

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FREAR: A bill (H. R. 9264) to provide for a site and public building at Hudson, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9265) to provide for a site and public building at Rice Lake, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR: A bill (H. R. 9266) to regulate the interstate shipment of foodstuffs which have been held in cold storage; to the Committee on Interstate and Foreign Commerce.

By Mr. FOWLER: A bill (H. R. 9267) to grant pensions to certain persons for certain injuries sustained in dangerous employment in the United States; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 9276) providing for the appointment of a board of survey for the purpose of selecting a suitable site for a naval armor plant at or near Baltimore, Md., and submitting an estimate of the cost thereof; to the Committee on Naval Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9268) granting an increase of pension to Henry Bird; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9269) granting a pension to Mary A. Elliott; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 9270) to correct the military record of John M. Gray; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 9271) granting an increase of pension to Albert Van Dolsen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9272) granting an increase of pension to Christopher Spath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9273) granting an increase of pension to George Liddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9274) granting an increase of pension to Annie A. Purviance; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 9275) granting a pension to William Beitz; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the World's Purity Federation Convention, favoring House concurrence in Kenyon Act relative to prostitution in the National Capital; to the Committee on the District of Columbia.

Also (by request), memorial of the Central Trades and Labor Union, protesting against the unjust competition of prison labor; to the Committee on Ways and Means.

By Mr. BRITTEN: Evidence to accompany House bill 9257, granting an increase of pension to Jacob L. Biddinger; to the Committee on Invalid Pensions.

By Mr. CURLEY: Petition of the Boston Central Labor Union, of Boston, Mass., favoring investigation by Congress of conditions in the mining district of the State of Michigan; to the Committee on the Judiciary.

By Mr. DALE: Petitions of sundry business firms of the State of New York, favoring 1-cent letter postage, as in the Bartlett bill; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Memorial of the Columbia and Snake River Waterways Association, at Kennewick, Wash., favoring the canalization of the Columbia and Snake Rivers, so that they may be safely and economically navigated by modern steamers and barges during the entire year; to the Committee on Rivers and Harbors.

By Mr. MOORE: Memorial of the Board of Trade, Chamber of Commerce, Commercial Exchange, and Philadelphia Bourse, of Philadelphia, Pa., protesting against certain provisions of the Owen-Glass banking and currency bill; to the Committee on Banking and Currency.

By Mr. RAKER: Petition of the citizens of the State of California, favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. SPARKMAN: Petition of the Confederate veterans of the State of Florida, at Mayo, Fla., relative to cotton tax collected after the Civil War from the citizens of the South; to the Committee on Claims.

By Mr. TOWNER: Petition of citizens of Randolph, Tabor, Moravia, Creston, Cincinnati, Gravity, Conway, Kent, Afton, Clearfield, Grand River, Tingley, Ellston, Clarinda, and Shenan-

doah, in the State of Iowa, favoring House bill 5308, to provide for a tax upon all persons, firms, or corporations engaged in interstate mail-order business, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of the Central Labor Union of Brooklyn, N. Y., favoring passage of resolution asking for an investigation of the conditions surrounding the coal fields in Trinidad, Colo.; to the Committee on the Judiciary.

## SENATE.

THURSDAY, November 13, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

NOVEMBER 13, 1913.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOHN RANDOLPH THORNTON, a Senator from the State of Louisiana, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,

President pro tempore.

Mr. THORNTON thereupon took the chair as Presiding Officer and directed that the Secretary read the Journal of the proceedings of the last legislative day.

## THE JOURNAL.

The Journal of the proceedings of Monday last was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Presiding Officer:

H. R. 7384. An act to authorize the payment of an indemnity to the Italian Government for the killing of Angelo Albano, an Italian subject; and

H. J. Res. 139. Joint resolution to relieve destitution among the native people and residents of Alaska.

## BANKING AND CURRENCY.

Mr. ASHURST. Mr. President, I present a letter from Hon. John J. Hawkins, a distinguished citizen of the State of Arizona, who discusses the necessity for currency legislation. I believe the suggestions he makes are well worthy of our consideration and attention. I ask that it be incorporated into the RECORD.

There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

PRESCOTT, ARIZ., October 21, 1913.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I was pleased to note, some days since, your article in the New York World giving your views favoring the currency bill. I think this bill a very excellent one, and notwithstanding the position taken by the bankers at their meeting in Boston opposing same, the people are clamoring for a change in the currency system and are anxious to take the money system out of the hands of the bankers and lodge it with the Government, where it belongs.

I also desire to call your attention to one particular feature of this bill which the people will like, and that is the cashing of checks at par through the clearing house, or regional bank, of the patrons of all the banks of the country and doing away with a little petty charge that has been made for years by various little bankers all over the country on their customers' checks. There is nothing that so riles the feelings of the patrons of a bank as to go into some bank a few hundred miles distant from his own bank and ask to have a check cashed and be informed that that particular section of the country where your bank is situated is charging 10, 15, or 20 cents, or other petty amounts, on checks drawn on them.

I sincerely hope, in your following up this currency bill, that you will try and keep this feature of it therein, as it will go a long way toward using the credit and wealth of every individual who has money in the bank in supporting the commerce and business of the country.

There is no reason why a man who has money in a bank and draws his check therefor should not have it cashed anywhere in the United States at par, or have it go through the various clearing houses the same as any other cash item.

The tariff bill having been passed and the people being so happy thereover, I sincerely hope that we will soon see the control and issue of money in this country in the hands of the Government.

With kindest regards, I remain,

Yours, truly,

JOHN J. HAWKINS.

## SPEECH BY HON. MORRIS SHEPPARD.

Mr. ASHURST. Mr. President, I present a copy of the speech which attracted, and justly attracted, such wide attention by reason of its statesmanlike and thoughtful expressions, as well as its progressive spirit—the speech delivered by the Hon. MORRIS SHEPPARD before both houses of the Legislature of the State of Texas upon the event of his election to be a Senator of

the United States. I ask unanimous consent that the same be incorporated in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF HON. MORRIS SHEPPARD, WEDNESDAY, JANUARY 29, 1913, BEFORE THE LEGISLATURE OF TEXAS, ACCEPTING ELECTION TO UNITED STATES SENATE.

"Mr. Speaker, Mr. President, gentlemen of the legislature, ladies and gentlemen, to be invested with the highest office the people of a great Commonwealth may bestow is a distinction of such character that it should humble rather than elate the man on whom it is conferred. While I am grateful beyond all words for this election, I am impressed as deeply as human feeling will permit with the sacredness and the immensity of the task before me. In my hands you have placed the commission of the people. It shall be consecrated solely to the people's good. On it the shadow of no special interest shall ever fall.

"The Senate of the United States is perhaps the most unique and powerful legislative body in the world. It exercises coequal lawmaking functions with the House of Representatives except as to bills raising revenue, and these it may materially amend. It has the executive powers of approving or rejecting practically all presidential appointments of importance and of ratifying, amending, or disapproving treaties, the latter prerogative making it the virtual arbiter of our foreign policies. As a high court of impeachment it may remove Presidents, ambassadors, or judges. It thus combines legislative, executive, and judicial functions; and in this respect it probably stands alone among the parliamentary assemblies of the earth. It is the distinctive feature of the Federal Union which without it could have had no existence. The smaller States would never have consented to the Union but for the concession of equal representation in a second Chamber with the larger States. The Senate is at once the preserver of State identity and the bulwark of the Nation against executive encroachment and hasty legislation. Linking the State with the Nation, it may be said to be the heart of the Federal organism. It has been called the masterpiece of the Constitution. It was evolved from the conditions that developed as the constitutional convention of 1787 proceeded, not a delegate having previously contemplated such a body.

"Bearing so essential a relation to the Republic, it is not surprising that the American Senate became within a few decades the foremost assembly of its time. It was the scene of some of the greatest speeches and most notable arguments that have illumined our constitutional history. In the decade preceding the Civil War it reached perhaps the highest prestige it has ever known. The discussion of problems affecting the Nation's life attracted the attention of the globe. Seldom has there been witnessed a more imposing array of intellectual power. Within that mighty circle sat the stalwart Mangum, of North Carolina; Cass, of Michigan, skilled in statecraft, the favorite of his party; Chase, of Ohio, with towering form and measured sentences; Berrien, of Georgia, celebrated in the law, remarkable in the art of eloquence; Bell, of Tennessee, the venerated commoner, the noted parliamentarian; Hunter, of Virginia, beneath whose impassive features reposed ability preeminent; King, the cultured Alabamian, renowned in diplomacy, distinguished in the service of State and Nation; Soule, of Louisiana, impassioned son of France, shepherd of Navarre, friend of liberty, and lover of the South; Houston, of Texas, warrior, legislator, patriot, whose personal majesty suggested the mighty domain he represented; Douglas, of Illinois, the resistless tribune, conspicuous alike in Senate, in courtroom, or in forensic dispute, the idol of his people, the dread of any adversary; Benton, of Missouri, turbulent as Danton, polished as Fox, profound as Pitt, defiant as Mirabeau; Clay, of Kentucky, orator superb, whose conciliatory measures kept within the cave of compromise the storms of war for 40 years; Calhoun, the immortal South Carolinian, philosopher, logician, sage, his potent comprehension penetrating every problem as with a lance of fire; Webster, of Massachusetts, emperor of controversy, monarch of debate, who gave battle to Calhoun in constitutional discussion and challenged Clay in the analysis of practical affairs; Jefferson Davis, of Mississippi, whom the historian Prescott pronounced the most accomplished of them all.

"With the retention of the emergency tariffs of the Civil War and the consequent beginning of high protection, with its conspiracies against trade, its destruction of competition, its oppression of the masses, its concentration of wealth, its debauchery of government and society, the Senate began slowly to decline in public esteem. Its place of peculiar influence in the Federal system made it the goal of monopoly and privilege. The control of the Senate meant for the special interests, now growing with frightful rapidity, the control in large meas-

ure of the country. Representatives of the special interests soon saw that the possession of only a few Senators, when political parties were narrowly divided, would enable them to dominate the situation. The smallness of the body, the liberality of its rules, which by virtue of the omnipotent tradition of senatorial courtesy permit any Senator to hold the floor indefinitely and provide no limit for debate, make it possible for a mere handful of Senators frequently to arrest and sometimes to defeat legislation. And so the satraps and the janizaries of economic despotism began to turn their eyes and appetites toward the Senate. A wholesale trafficking in the votes of many State legislatures followed. Long and disgraceful deadlocks, from which floated whispers of bribery and dishonor, made the elections of many Federal Senators a source of public scandal and humiliation. The result is too well known. The American Senate became the reputed lair of privilege, the citadel of greed. It came to be denounced as an obstruction, a menace, and its abolition was seriously proposed. It was derided as the American House of Lords, the puppet of Standard Oil. A magazine of wide circulation astounded the country in a series of articles, under the caption of the Senate's Treason, by a detailed description of what it termed the questionable financial connections of several of its prominent Members. It came to be regarded as the grave of all good legislation. On one occasion two or three Senators paralyzed the Wilson tariff bill and sent the Democracy into the wildernesses of defeat for nearly 20 years. The circumstances attending the election of some Senators were so notorious that investigations by the Senate itself resulted. The demand for the reconstruction of the Senate's personnel became one of the main causes of the progressive movement that has at last restored the Democracy to national control. That demand has taken the shape of a proposed amendment to the Federal Constitution calling for the election of United States Senators by a direct vote of the people, and of preferential primaries for Senators in many States, which the legislatures almost without exception regard as sacred. Within recent years, therefore, new men have been pouring into the Senate who represent the popular choice in their respective States, and who are cooperating with those of their senior colleagues who have always stood for popular ideals. As a result of the last national election the infusion of progressive Democratic blood will be so large as practically to dominate that historic chamber after the 4th of March. To make the Senate again the mirror of the people's interest will be one of the chief purposes of the triumphant Democracy, a purpose in which I shall join with all the ability and enthusiasm at my command. I shall go to the United States Senate to promote the welfare of the people as a whole; to resist privilege and wrong wherever I may find them; to place my energies and my devotion at the call of progressive Democracy; to serve the policies and aspirations of that new apostle of human rights, Woodrow Wilson.

"Never in American history has there been more emphatic need than now for justice and for courage in the conduct of affairs. The conditions that tended to bring the Senate into derision have reduced the Republic to the mere shadow of what it was meant to be. We renounced the authority of King George over a hundred years ago, but to-day we have King Monopoly and King Trust in almost every phase of American industry. In the new feudalism the control of a commodity is the mark of power. The slavery of the black man was abolished by the force of arms; but to-day, for the white man of average means, an economic bondage as merciless as any slavery of the past is threatened, and thousands of white women are held in a subjection that damns their bodies and their souls in order that the liquor trade may thrive. We boast of progress and of peace, but we are in a state of war between labor on one side and capital on the other, a war in which government by dynamite is the answer to government by injunction. We see the gamblers of high finance gambling in the products of the people's toil, juggling credits, stocks, bonds, banks, buildings, insurance companies, railroads, the necessities of life by some mysterious wizardry into dollars for themselves, misery for others. We see our forests denuded, our mountains stripped, our streams depleted, our lands exhausted, our mines preempted or outworn, our water powers entrapped—in short, our once tremendous heritage of material resources sacrificed in the mad marathon for gold. We see women and children laboring under conditions that mean the degeneracy of the millions that are yet to be. We see the maiming and killing of more men by modern machinery than were ever mangled or destroyed in the bloodiest of the wars. We see these victims and their families often without the assurance of a penny, except through a doubtful lawsuit or a pitiless compromise. We see the traffic in intoxicating liquors



widening and filling the path to the almshouse, the insane asylum, the penitentiary, and the tomb.

"It would be going too far to say that legislation alone is responsible for the afflictions of society or that legislation alone may relieve them. A complete remedy for human ills would require the interposition of Him who holds Congresses and peoples in His palm. It must be remembered that the truest standards for governments and men are in the rules of conduct that were given to mankind by divine announcement. And it may safely be asserted that the closer human laws approach these rules the more firmly will this Republic rest upon the rock of right and truth. Since the lowly Galilean taught the universal kinship of man, the inherent equality of every life and every soul, the doctrine that an injury to the humblest individual is an injury to Him, every dream of liberty, every struggle for justice, every upward step in human progress has been an effort to translate His teachings into the governments of humanity. To-day we are coming rapidly to see that as long as one child is born deformed in body or in mind, the fruitage of drunken parents whom society, by tolerating a damnable traffic, helped to degrade, or of foul surroundings the product of injustice or of greed—that as long as a single citizen is stripped of his substance to multiply the possessions of the few the Republic is to that extent a failure, civilization in that degree a crime. The Democratic doctrine of equal rights is an expression of the divine doctrines of equality and brotherhood, and the Democratic Party will live as long as it applies these principles to the varying emergencies of the world's development. The Democratic Party is therefore in its very essence a progressive party, and it can never be destroyed, unless it ceases to be true to its progressive nature.

"Let us now examine the application of Democratic principles to current questions. The Democratic Party is opposed to the spoliation of the people by the system of tariff taxation miscalled protection. It holds that the imposition of import taxes in such manner as to raise the price of corresponding domestic articles beyond their proper worth is legalized theft. It states in the Baltimore platform that tariff taxes shall be levied for purposes of revenue only. It is therefore against the levying of tariff taxes for purposes of protection either direct or incidental. The words 'revenue only' are meaningless unless they exclude the slightest suggestion of protection. In standing against the taking of a single penny by one American from another for which no adequate return is made the Democracy upholds the divine ideals of human conduct to which I have referred. And well may it summon all its powers for the overthrow of protection, a cancer in the vitals of the Republic already so far advanced that the most difficult and delicate treatment will be required.

"It may well be said that the Republican protective tariff has brought more humiliation and more ruin to the American people than all other agencies of legislative evil combined. It was fastened on this country in the turbulent hours of civil war, when the severest methods of taxation were employed to meet that sinister crisis. To compensate certain manufacturers for high internal taxes on domestic goods taxes on competing imports were lifted to so outrageous a figure that they were tolerated only on the ground of a great national emergency and on the understanding that they would be removed or reduced when the war should end. Thus the partnership between the Republican Party and the special interests began, a partnership becoming at once so strong that at the close of hostilities the war tariffs were continued and have been not only maintained but increased during the 50 succeeding years of peace. The Republican tariff law now in operation imposes an average of tariff taxes distinctly higher than those of one of the most gigantic conflicts in all the records of all the years. It would be difficult to measure the disastrous effect of this long riot of oppression on the American Republic. The Republican protective tariff has been one of the chief causes of the unequal distribution of wealth in the United States.

"The restriction of foreign competition by enormous tariff rates opened the way for combinations of domestic industries, and soon domestic competition, the normal safeguard against extortion, disappeared. The American trust sprang from the loins of the American protective tariff, and the era of monopoly began. To-day almost every article of necessity and comfort is in the control of a trust, and a concentration of wealth as appalling as it is colossal has developed. It is a modest calculation that less than a tenth of American families own nine-tenths of the Nation's resources and the Nation's wealth. The favorites of the law are displaying a wastefulness and a luxury that have permeated the social structure with debasing conceptions of life. The mere possession of great wealth has become a sufficient test of social position, the methods of acquirement being

rarely questioned. Education, breeding, uprightness are too often as nothing in the scale with the dollar's naked weight. The extravagances of the wealthy have bred false standards that are too generally followed by people of smaller means. The result is that thousands are living beyond or to the limit of their incomes and find themselves in time of panic or in old age without the means of comfortable support. Corruption, both political and financial, has naturally followed in the tariff's track. The maintenance of privilege has required the continuous success of the Republican Party at the polls. Millions poured into its treasury until the popular demand for the publicity of campaign funds caused the larger contributions to cease.

"It may confidently be said that publicity of campaign funds did more to end Republican domination in this country than any other single measure. As the tariff rates have risen the cost of living has increased, until to-day the necessities of existence are more difficult to obtain than at any previous period in the history of this country or at any period in the history of any other country. The taxation of most of the basic raw materials of manufacture has led to their control by banded interests. The high prices made possible largely by high tariff rates lead to overproduction and therefore to recurring periods of readjustment and of panic, in which the weaker meet financial death. The restricted market of the present high-tariff system has encouraged combinations of middlemen that largely control the carriage and marketing of the farmer's products at an immense loss to him. The glitter of tariff-rooted profit only whets the desire for gain, and there naturally follow overcapitalization, stock watering, and other practices by which the public is exploited further. The accumulation of the Nation's wealth in a few hands is separating the Republic into classes, and already the bitter battle of class against class is on. To resist these tendencies and conditions the Democracy is committed to the immediate downward revision of existing tariff duties and to a material reduction on the necessities of life. It is committed to the policy of placing articles entering into competition with trust-controlled products and articles sold abroad more cheaply than at home on the free list. The Democratic Party realizes, however, that the present system of tariff taxation is intimately connected with the business of the country, that many vast concerns and interests have been built up and to-day have contracts in advance based on present conditions, and it will therefore advance toward the ultimate realization of its ideals with such care and such deliberation as not to injure or to destroy a single legitimate industry. In this last utterance I am quoting almost literally from the Baltimore platform, and with this idea of sane and careful revision I am in entire accord.

"So powerful have monopoly and privilege become that the removal of the tariff will be but one step in a successful crusade against them. Other measures must also be employed if we are to overthrow the power of the trusts, if we are to drive the dollar of corruption and dishonor from American politics and business. Effective laws must be enacted against monopoly. The Federal antitrust law should be amended in such manner as to restore the efficacy of which it has been deprived by judicial construction. The last pronouncement of the Supreme Court of the United States as to the meaning of this law leaves the business world in confusion. It is now impossible for the sponsors of any enterprise to know in advance the limitations within which they may operate. In reading the word "reasonable" into the antitrust act, in holding that there may be reasonable and unreasonable monopolies, the Supreme Court has made the application of this statute so uncertain, so incapable of ascertainment, without the expense, the delay, not to speak of the odium of an actual trial before some tribunal, as to amount to a virtual repression of business growth. Let the essence of the original statute be restored—the statute in the formation of which John H. Reagan performed so notable a part. Let laws be enacted prescribing conditions on which corporations shall engage in interstate trade, these conditions being such as to prevent interlocking directorates, holding companies, stock watering, discrimination of all kinds, and to forestall such control of any line of business by a single concern as would threaten its complete absorption. The failure of the Republican administration to invoke the criminal section of the antitrust act against the officials of the Oil and Tobacco Trusts after these giant combinations had been judicially declared unlawful is one of the most humiliating instances of legal favoritism in our history. What more signal illustration of the immunity of organized wealth from criminal prosecution could be imagined? It is not the object of the Democracy to attack property or to incite prejudice against the rich. On the other hand, the security of honest property and the preservation of honest wealth depend in the last analysis on the prevention of monopoly and conspiracies against rightful trade. I shall



favor placing at the disposal of the Democratic Attorney General every possible means for the enforcement of the antitrust laws against men and corporations, regardless of social eminence or financial power.

"Hand in hand with the reduction of the tariff and the destruction of the trusts must go a proper measure of supervision over interstate transportation. Competition can never be preserved among producers in the various sections of the country, the products of the farm can never be marketed with satisfaction, unless the most rigid fairness obtains in the matter of carriage charges. Of what benefit would be the lowering of a tariff tax on a given commodity if the freight rate from seaboard to interior consumer should be raised in proportion? What encouragement remains for the farmer when combinations of middlemen control practically all available transportation space, making independent shipments extremely hazardous and establishing conditions whereby the farmer gets about 50 per cent of the amount paid for his article by the consumer in the centers of population? Or what encouragement remains when, regardless of whether middlemen control the cars, the rates of carriage consume the profits? The power of transportation is the power of economic life and death. The Interstate Commerce Commission must be provided with every facility for the maintenance of equitable rates. Provision should be made for a physical valuation of transportation properties, and this, with other elements of a fair calculation, should be used as a basis for future rate making. The most permanent protection against unfair railroad rates lies, however, in the immediate and thorough development of the Nation's waterways. The waterway is the cheapest form of transportation known to man, and it provides a rate standard at once wise and permanent and just. One of the chief economic needs of Texas is the improvement of inland waterways. I shall endeavor to make the development of Texas harbors, Texas rivers, and Texas canals one of the chief features of my service in the Senate.

"In the warfare against privilege every possible safeguard should be thrown about the hosts of toil by Nation and by State. I believe in the conservation of forests and rivers and mines, but I believe also in the conservation of men and women and children. I believe that the latter compose the Nation's most valuable resources. I want to see legislation for the prevention of accident and disease, legislation establishing safety and health standards in industrial occupations. I want to see the unemployed aided by proper legislation to find employment. I want to see the eight-hour day universally established—established for the women and the children as well as for the men. I want to see convict labor removed from competition with free labor. I want to see one day's rest in every seven provided for all the toilers of the land. I want to see publicity as to wages, hours, and conditions of labor in every line of industry. I want to see the employment of women in the sweatshops forbidden, child labor stopped. I want to see motherhood glorified and children saved. I want to see the law as to injunctions modified along the lines of the Democratic platform and the right of labor to organize held forever sacred. I want to see trial by jury in cases of indirect contempt, and I am against the issuance of injunctions where injunctions would not issue if no industrial controversy were involved.

"The battle against the domination of monopoly will be but half won until the control of the currency shall have been wrested from private hands. The issuance of money in currency or in coin is one of the essential functions of government; as much so as the power to declare war. As for me, I would as quickly intrust an individual or a corporation with the power of declaring war as with the power to control the volume of currency. There is a fundamental relation between the volume of currency and the price of every article the people make or use. Let the issuance of currency be restored to the primary control of government and let us have a system under such control that shall meet the demands of modern business. I think the existing system vicious because it places an essential attribute of sovereignty in private control, and for the same reason I am opposed to the Aldrich bill. I believe that banks exist for the accommodation of the people and not the people for the accommodation of the banks. I would never yield the issuance of the currency to an oligarchy of banks. The Aldrich bill provides for an association of banks to which shall be given over the power to determine when the volume of currency shall be increased or decreased. The capital of the association will be something like \$300,000,000, and the stock will be sold only to banks investing one-fifth of their capital therein. Dividends are not to exceed 5 per cent, a provision unfair to smaller banks. The association is to be chartered for 50 years, during which all Government deposits—the money of the people—are to be used by the association without a cent of in-

terest. No bank will be permitted to borrow money from the association unless it carries deposits with it on which no interest is paid. The way is thus blazed for a concentration of monetary control in this country that would dominate the destinies of the Republic. The law is so framed that permanent and actual control will rest in an executive committee of nine men, only two of whom are appointed by the President of the United States. Such a system of concentrated power over the earnings of the people and the currency of the Government has never been popular with the American people, and the Democratic platform in denouncing it calls attention to the fact that the Aldrich bill practically means a central bank, to which every tradition of Democracy is opposed. The Democrats in the House and Senate, assisted by the Democratic President and his advisers, will evolve a plan of currency reform based on Democratic ideas, and in the preparation of such a plan I shall gladly cooperate.

"Any recital of the measures which should be employed to end the reign of special privilege would be incomplete without reference to the assumption by the people of a more direct control of government. Indeed, the last national Democratic platform specifically asserts that 'only by a larger exercise of the reserved power of the people can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentalities by special interests.' The most effective system by which this larger exercise of reserved power by the people may be secured is the system commonly known as the initiative and referendum. No profounder misconception ever found lodgment in the human brain than the contention that this system means either the overthrow of representative government or a departure from a republican form of government. One of the clearest definitions of a republican form of government was announced by Mr. Justice Wilson in *Chisholm versus Georgia*, who said that it was one under which supreme power rested in the people. The system of the initiative and referendum rests supreme power in the people and is itself a means by which that power may be effectively exercised. If the people commit the powers of government to representatives for a term of years and provide no way in which those powers may be resumed during such term, they abdicate sovereignty for a given period, and if the representatives betray them have no remedy until the next election, when the damage may be beyond repair. On the contrary, if the people, while committing the powers of government to representatives, reserve the right to initiate legislation or to refer legislation to themselves they keep the reins of government always within their reach and make far more certain the loyalty of their representatives. The initiative and referendum means the life of representative government, not its death. No government is really representative unless the people have the power to make it so and keep it so. Do you say that elections are a sufficient check on legislation? I tell you that a few designing men may by a single vote on a single question in a great emergency fasten plutocracy on the land and either decline to stand for reelection or aided by the interests they have served attempt to purchase it. I say further that special interests will not expend vast sums or otherwise endeavor to corrupt the people's representatives if they know the laws they thus secure may be immediately submitted to the people. Neither will they infest the lobbies of our legislatures to resist measures in the people's interest when they know the people have the right to submit those measures to themselves if the legislature should fail to enact or should defeat them. Most of the States have adopted their constitutions by direct popular vote and many of these constitutions contain self-enacting legislative provisions.

"I say that if the people may adopt constitutions they may enact laws whenever such a step is necessary to protect their rights. Most of the State constitutions require certain kinds of legislation to be referred directly to the people, and in Texas at the last election some five or six amendments to the Texas constitution were passed by a popular referendum. Was it sacrilege for the people of Texas to lay their hands upon the machinery of government? Did this mean the destruction of representative institutions in Texas or the overthrow of the republican form of government? I call attention to the fact that while under the initiative and referendum the people may exercise legislative powers and may in a sense veto or defeat bills passed and approved by the legislature and the governor, still, in the practical working of this system, the legislative, executive, and judicial departments are not destroyed, but remain intact to continue the discharge of the vast mass of legislation subject only to corrective action by the people in the event they find their interests imperiled or betrayed. For 12 years both the Senate and the House of Representatives at Washington, containing able lawyers and gifted students of



the Federal Constitution, have been seating Members from States whose constitutions provided for the initiative and referendum, thereby heaping precedent on precedent against the contention that this form of direct legislation violates the Federal guaranty of a republican form of government. If Members of the Federal Congress had believed that these States had governments which subverted the most fundamental guaranty of the Federal Constitution, it was their sworn duty to protest and vote against the seating of representatives from these States. The Supreme Court of the United States in *Luther versus Borden* says that when the Senators or the Representatives of a State are admitted into the councils of the Union the authority of the Government under which they are admitted as well as its republican character is recognized by the proper constitutional authority.

"It is urged that laws are too complicated now and that this system will further complicate them. I contend that this system will simplify the laws, because the people will defeat a law they do not understand. Laws too complicated for the people to understand ought to be defeated. One of the greatest needs of the time is for clearer and simpler laws. To-day the laws are hidden in thousands of volumes containing numberless and frequently conflicting decisions, and the citizen is often compelled to employ counsel at great expense to ascertain the meaning of what his own government did in supposed obedience to his own will.

"The most comprehensive and the simplest code the world has known, the basis of modern as well as ancient conduct, a code that has survived for 40 centuries, a code as lucid and as vital now as when fashioned on the thunder-shaken peak for tented Israel, is comprised in less than a dozen sentences, in fewer than 300 words. They tell us that the direct method will result in harmful legislation. They forget that the principle of self-preservation is too deeply rooted to permit the people deliberately to injure themselves. They say that it will mean turmoil and change. I answer that the people acting in mass are the safest and most conservative force in history, and that the very existence of such a check will make its exercise rarely necessary. They say that it means revolution. The answer is that with the people in control there will be no occasion for revolution except through the orderly expression of the people's will. It is only when government is outside the people's control that drastic methods become necessary for its recovery. It has been well said that Anglo-Saxon manhood confined beneath the pressure of accumulated injustice is the most dangerous explosive known to history. The initiative and referendum is a safety valve against both ultraradicalism and ultraconservatism. If laws are too radical, the conservatives may appeal through this method to the electorate; if too conservative, radicals may likewise employ it. In no State or country where the system has been in operation is there any movement of importance to repeal it.

"I am as loyal as any man or group of men to representative government. For this very reason I favor any measure that will make the Government more representative. It is not proposed to substitute direct legislation for the representative system, because of necessity the great mass of legislation must be enacted by representatives elected by the people to serve in legislative capacity while the people pursue the various callings of life. It is proposed to employ the direct method only to such extent as may be necessary to make the Government what the founders intended it should be—the true expression of the people's will.

"The income tax and laws providing for publicity of campaign funds, as well as prohibiting the lavish use of money in elections, are other features of the progressive program too well known and too generally approved to require enlargement here. Wealth should be subjected to its proper proportion of the burdens of taxation, and the dollar should not be tolerated as a governing force in American politics. I am proud of the fact that in the recent primaries I made a campaign throughout Texas of some 8 or 10 months' duration for one of the highest positions on a comparatively modest sum, demonstrating that such positions are within the reach of men of moderate means. Not only should candidates refrain from large expense, but public officials should avoid all connections and entanglements with interests that might in any way conflict with the people's service. Proper laws should be enacted to cover these suggestions. The Federal publicity law is in special need of immediate and thorough amendment.

"It is the mission of the Democratic Party not only to oppose every form of economic oppression but also to keep alive the underlying spirit of the Republic. Furthermore, it should promote in every proper way the development of the country's material resources and the well-being of the people. Nothing will do more to revive and vindicate the basic principle of this Republic than independence for the Philippines. The purchase

of eight millions of the human race and their subjection to an alien government made the torch of liberty burn feebler not only here but throughout the world. It put the stain of despotism on the American flag. Mr. Wilson has already announced that one of his first recommendations will be for the passage of an act guaranteeing the autonomy of the Philippines within a reasonable time. The strengthening of governmental agencies relating to pure food, quarantine, vital statistics, and human health, the proper handling of the public domain, economy in the handling of public moneys, and the development of agriculture are measures demanding careful and patriotic study.

"The encouragement of agriculture calls for the best efforts of the Nation. It is a matter of national reproach that we have made smaller advancement in agriculture than in other lines of economic growth. Although we have cultivated the virgin acres of a fertile continent for fewer than a hundred years, these acres are in many instances producing less than those of countries that have been under intensive development for many centuries, and much of our soil is exhausted within a single generation. Although we have a population of only 31 to the square mile, the number of inhabitants in the rural districts is relatively decreasing, and the greater part of our people is being rapidly concentrated in the already overcrowded cities. The task that challenges the most capable statesmanship is the revival of the glory and the attractiveness of farm life. The main problems before us are the production of more and more per acre and the redistribution of our people among the villages and the rural sections. Farmers' organizations should be given every possible assistance. Federal and State departments of agriculture and agricultural colleges and institutes should all be brought into closer and more fruitful relationship. Rural routes, good roads, better marketing facilities, farm credits should all be constantly studied and developed to the end that the farm home may be brought into touch with modern progress. The pernicious practice of gambling in farm products must be stopped. In view of the fundamental importance of agriculture and of the fact that Texas is essentially an agricultural State, its principal splendor lying in its imperial expanse of soil, I am determined to devote especial attention to this phase of national development.

"In fact, let me say here that wherever it may be possible within the sphere of proper Federal activity to secure the co-operation of the General Government in the advancement of Texas I shall be found urging the claims of my native State. Texas has hardly emerged from economic infancy and already her resources, her achievements, and her possibilities have awakened universal wonder. Immense areas in Texas require irrigation, and other portions have other needs that must be seriously considered in order that our fullest capabilities may be realized. Our rivers, harbors, and canals must be improved to supplement our agricultural growth and to furnish a permanent and inexpensive highway to the sea. I shall endeavor to secure membership on Senate committees having these matters directly in hand. I may not be so fortunate as to secure membership on all such committees at once, but the sooner I enter the Senate and begin to work for places on them the earlier and more effective will be my success in this regard.

"I now come to one of the most important questions confronting the Nation, the question of prohibiting the shipment of intoxicating liquors into prohibition States for purposes of sale. It is a question involving the very essence of the American system of government. The Federal Constitution is based on a division of powers between the General Government and the States. In the skilful distribution of National and State functions the Constitution finds its chief permanence—its crowning excellence. In ratifying the Constitution the States yielded to the Central Government the powers which concerned the common destiny and interest, reserving the remaining attributes of sovereignty to themselves or the people. Any disturbance of this equilibrium is a blow at the existence of the most notable governmental system the brain of man has yet conceived.

"Among the most sacred rights reserved by the States under the Federal Constitution is the control of legislation pertaining to the health, the safety, and the morals of their respective populations—in other words, the control of all matters demanding the exercise of the so-called police powers of government within their respective limits. In the exercise of this right many States have enacted laws prohibiting the manufacture and sale of intoxicating liquors within their various boundaries and have taken every possible step to secure the enforcement of these laws. The Supreme Court of the United States has held that such laws are not in conflict with the Federal Constitution; that intoxicating liquor is an article of such character that a State in the protection of the health, the morals, and the safety of its people may prohibit the manufacture or sale of



such liquor. The effect of this holding is to place intoxicating liquor in a class outside the usual articles of consumption and trade, such as flour, clothing, furniture, and the like. It has never been contended that a State could adopt similar laws as to these latter commodities in their normal condition. It would be a deprivation of an inherent property right possessed by every citizen of the United States. But no such right is recognized in intoxicating liquors.

"Despite the enactment of laws prohibiting the sale of intoxicating liquors in certain States, the enforcement of such laws is seriously impeded and frequently prevented by vast shipments from other States. Great mail-order houses have been established for the purpose of invading prohibition territory and tearing down State laws. The Federal Government protects such shipments on the ground that they are interstate in character and can not be reached by State laws until after delivery to consignee, Congress having as yet passed no law excluding such shipments from interstate commerce. The result is that railroad stations and express offices in prohibition States are being converted into speak-easies and blind tigers, from which these liquors are secretly taken or secretly sold in defiance of the people's will. Thus the Federal Government is lending itself to the humiliation of the State, to the overthrow of the most sacred right which its own constitution guarantees. Thus the Nation has become a partner in a piracy as foul as any the high seas ever saw and in the destruction of the principle of local sovereignty as defined and approved by the Federal Constitution. Thus the American flag is wrapped around the whisky barrel and the beer keg and made an emblem of anarchy and crime. It is said that the States ought to be more vigilant in the enforcement of prohibitory laws. It would require a small standing army at an expense no State could bear perpetually to surround every depot and every express office with armed guards.

"The bill relating to interstate shipments now before Congress provides, in brief, that the interstate transportation of intoxicating liquors intended to be used in violation of the laws of the State of destination shall be prohibited. It does not apply to liquor shipped for personal use, for sacramental purposes, or for any other disposition not forbidden by State laws. In my judgment, the constitutionality of such a law can not be seriously questioned. The Constitution clothes the Federal Government with absolute power over interstate commerce, a power complete in itself and subject only to the limitation of that great instrument itself. It is well understood that under this power Congress may prohibit the interstate transportation of articles destructive of public health or safety or morals or whose shipment would be violative of sound public policy. In the lottery case (188 U. S., 321) Mr. Justice Harlan said:

"But surely it will not be said to be a part of anyone's liberty as recognized by the supreme law of the land that he shall be allowed to introduce into commerce among the States an element that will be confessedly injurious to public morals.

"In *Mugler v. Kansas* (123 U. S., 162) the Federal Supreme Court says:

"It is within the knowledge of all that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating liquors.

"Section 245 of the United States Penal Code provides that the sender and the carrier of any drug or medicine adapted or intended for indecent or immoral use from one State to another, and the consignee as well, shall be fined not more than \$5,000, or imprisoned not more than five years, or both. The Supreme Court of the United States has gone so far as to uphold a Federal law denying to interstate commerce shipments of game killed in violation of State laws, showing the desire of the court to have the Federal Government cooperate with the State governments in upholding such laws, or at least to keep the Federal Government from crippling or interfering with them.

"Let us concede, so far as this argument is concerned, that an article properly in the channels of interstate commerce can not be reached by State laws until after delivery to consignee, on the theory that an earlier operation would be an arrest of interstate commerce and a practical delegation of the Federal power of regulation to the State, which under Federal decisions can not be permitted. No such objection lies to this bill. It deprives liquors intended to be used in violation of the laws of the State of destination of the right to enter interstate commerce under the protection of the interstate-commerce clause of the Constitution. Such liquors are divested of interstate-commerce character, and State laws may operate upon them before they reach the consignee, without in any sense operating upon or regulating interstate commerce. Do you say that the intent with which a thing is to be used ought not to determine its status? I answer that the Supreme Court of Massachusetts has held that liquor possessed with intent to

violate the laws of the State is impressed with the character of a nuisance and thereby divested of property rights. It will be immediately conceded that a contract made in one State with intent to violate the laws of another State is illegal and unenforceable. Most of the successful liquor prosecutions in Oklahoma are based on the law in that State making possession with intent to violate any Oklahoma prohibitory law a crime, a law that has never been successfully attacked. Is it said that an innocent vendor, ignorant of the intention of the consignee, may suffer? I say let vendors of liquors to consignees in prohibition States collect their money in advance or make such shipments at their peril. Already the National Penal Code prohibits C. O. D. shipments of interstate liquors and permits no person to act as agent for the vendor in order to complete the sale. Is it insisted that an innocent vendor could not collect from a consignee who might interpose his own guilty intention as a defense against the debt?

"I submit that in no American court will a man be permitted to take advantage of his own wrong. Is it objected that it is difficult to prove intent? It is far easier to prove intent where a shipment of liquors is consigned to a notorious bootlegger than in nine-tenths of the criminal cases where intent is the very essence of the offense. Is it urged that under this law attempts will be made to enforce the laws of one State in the courts of another? The reply is that the courts of the State of shipment will never be involved, because one State can not enforce the penalties of another. Is it argued that vexatious interferences with interstate commerce will result? The difficulties of maintaining an espionage over all the commercial highways in the United States are such that in practical operation the law will, as a rule, be invoked only at or near the point of destination.

"The opponents of interstate liquor legislation in Congress have been advancing constitutional and other objections for 20 years. The American people now demand a vote. The time for discussion has passed; the hour of action has arrived. It is the duty and the right of Members of Congress to oppose this legislation if they believe it unconstitutional or inadvisable. It is equally the duty and the right of the people to send men in their places who believe the legislation both constitutional and advisable. An area equal almost to three-fourths of the inhabited territory of the United States has been voted dry but the solemn enactments of the people are being crushed and desecrated by those who operate from the outside. The Constitution is profaned, self-government overturned, the Nation made an accomplice in a conspiracy against the States in order that a traffic as odious as it is powerful may multiply its profits from the wrecked ambitions, the shattered hopes, the ruined homes of men.

"This legislation is but another step in the warfare against a traffic whose existence is the Nation's shame. The liquor traffic is a peril to society, because it undermines the health, the strength, and the integrity of man. It is a menace to the Republic, because a race of weaklings can not sustain or comprehend the institutions of liberty. It is a source of danger to posterity, because the alcoholic taint foredooms the unborn millions to degeneracy and to disease. I shall oppose this scourge from hell until my arm can strike no longer and my tongue can speak no more. I shall oppose it because I hear the cries of children who are hungering for bread. I shall oppose it because I see a mother's wasted face, her pale lips pleading with the besotted figure at her side. I shall oppose it because I see the staggering forms of men whose trembling hands hold but the ashes of their strength and pride. I shall oppose it because it mocks all manhood and makes of woman's virtue a commodity of the slums. I shall oppose it because I see its battle line outstretched across the globe, threatening to engulf the pure, the true, the good. I shall oppose it because its abolition will mean a new stability for the Republic, a new radiance for the flag."

#### SAN FRANCISCO WATER SUPPLY.

Mr. POINDEXTER. Mr. President, a few days since the Senator from Nevada [Mr. PITTMAN] had printed in the RECORD statements of associations and individuals who were supporting the so-called Hetch Hetchy bill. I have in my hand an article from the Boston Transcript, an editorial from the Stockton Daily Evening Record, and resolutions of several societies in opposition to the bill. I ask unanimous consent that they may be printed in the RECORD without the illustrations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### NEW LIGHT ON HETCH HETCHY.

[From the Boston Transcript, Nov. 8, 1913.]

That San Francisco is indulging in a colossal folly and one likely to develop into a wholesale calamity in pressing its Hetch Hetchy reservoir case in Congress is becoming apparent to some of its own citi-



zens. At a meeting this week of the San Francisco Center of the California Civic League, Clement H. Miller, a civil engineer, made an address in which he analyzed the situation clearly. A certain political group in the city has become so obsessed with the idea of this particular water supply that they can not escape from it except by a sacrifice of their political vanity. As Mr. Miller pointed out, the city's own attorneys admit that if the grant of the valley is secured from Congress it will only invite years of litigation. He also stated that even Mr. O'Shaughnessy, the present city engineer, told his friends a year ago that the Hetch Hetchy project was "a hideous blunder," but that the city had gone so far that it could not back out and would have to go through regardless of cost.

In support of the city's petition for the valley a great deal of stress has been laid on the point that the domestic supply of a great city is "the highest beneficial use of water." A difference of opinion on this point has lately arisen in California, for the farmers in the San Joaquin Valley have just discovered that if this Tuolumne River water is granted to San Francisco some 250 square miles of their section would be doomed to permanent aridity. This point was discussed in great detail by Mr. Miller. It is not a new point, for the representative of the irrigation farmers of the region urged it at the hearing before the Public Lands Committee of the House last summer. It was he who stated that every one of those acres was capable under irrigation of producing annually food products worth \$100, so that the diversion of their only source of irrigating water to San Francisco would mean a yearly loss to California of \$20,000,000 worth of produce. Without this water this land can not be farmed at all.

Mr. Miller shows that Mr. Manson, for many years prominently connected with the Hetch Hetchy scheme as the city engineer, admitted in his annual report as long ago as 1904 that 200,000 acres would be deprived of water by the city's plan. This he justified with the reflection that the landowners had neglected to appropriate the water and that the city held it by right of prior legal filings. Continuing, Mr. Miller demonstrates by a close analysis of the records of stream flow and rainfall for a long term of years, that the reports which were the accepted basis of the Army board's conclusions in support of the city's petition were wholly unreliable and that there certainly is not water enough in the Tuolumne River to supply irrigation to the adjacent lands and at the same time to give 400,000,000 gallons a day to the bay cities. In substantiation of his assertion he cites reports made by the California Conservation Commission since the Army engineers rendered their decision.

On the other hand, it appears that the Sacramento Valley has a superabundance of good water, far more than enough to supply all of its irrigable lands, with a wide margin for domestic use. At its lowest recorded flow the Sacramento poured four thousand million gallons daily into the Pacific. "Would it be a crime or merely a hideous blunder," inquires Mr. Miller, "to rob those San Joaquin lands of their only water, when water as good for domestic use, and in ample volume for all uses, is running to waste in the adjoining watershed?" He goes even further and speaks in detail of the tributary of the Sacramento that is capable of fulfilling all the needs of the situation. It is the McCloud River, which rises in the snows of Mount Shasta. Is it too far to go? It is 10 per cent nearer than is Los Angeles's new source. And when it comes to a question of cost, Mr. Miller asserts—and this in a public address in the midst of the enemy's camp—that the assistant engineer who made an examination of the McCloud source for the city had never made a field survey of any kind, that his examination was based on an automobile trip, and that the estimates were "purposely made as high as imagination would permit." Col. Biddle, of the Army board, has said that the McCloud would furnish twice as much water as the bay cities would ever need without storage, and that the cost would be from fifty-eight millions to sixty-four millions, as against seventy-seven millions for Hetch Hetchy.

And as for hydroelectric power Mr. Miller figures that there must be 150,000 horsepower, probably much more, available at reasonable cost, and without any necessity for installing duplicate steam-generating plants which, he maintains, must be a part of the Hetch Hetchy power scheme in order to take care of the low-water periods that he shows to be inescapable. In short, San Francisco's officials appear to be trying to sell themselves a gold brick.

Nor does the Hetch Hetchy Valley have to be lost to the park and to the public in order to save the waters of its river for irrigation purposes. The present city engineer, Mr. O'Shaughnessy, is authority for the opinion that ample reservoirs can be provided in the foothills. As a matter of fact he urged this at one time as a water supply for San Francisco, though, needless to say, that was before he entered the service of the city, and in the capacity of consulting engineer for private parties.

Reasons multiply for the checking of this unnecessary legislation which would give away an invaluable feature of a national park without the slightest color of necessity. Evidently San Francisco needs to be saved from her own officials as much as the Hetch Hetchy needs to be saved for the people.

A. C.

#### THE SAN JOAQUIN VALLEY MUST SAVE HETCH HETCHY WATER FOR IRRIGATION—SAN FRANCISCO CAN GET WATER IN NORTH COAST RANGE.

[From the Stockton Daily Evening Record, Oct. 29, 1913.]

San Francisco bases its claims to the Hetch Hetchy water supply on the unfounded statement that it is the only available and sufficient supply for the present and future needs of the city.

San Francisco gives no indication of what use it purposes to make of the Spring Valley water system, which now supplies the city.

San Francisco proposes to capitalize a great water supply for the city's own profit, irrespective of the injury to the San Joaquin Valley.

San Francisco bases its claim to Hetch Hetchy on its own estimation of its future needs.

San Francisco has forced the Hetch Hetchy bill through the House. It is now in the Senate. The bill will be called up December 1, and there is unanimous consent to vote on it six days later.

If the San Joaquin Valley is to be aroused to the injury which will be done to the valley by the bill, action must be immediate and positive.

San Francisco can obtain a water supply—a larger water supply than the Hetch Hetchy—and at less cost; and not one drop of the water need be diverted from the limited amount belonging by nature and equity to the San Joaquin Valley.

The estimated amount of water available in Hetch Hetchy for diversion to San Francisco is 400,000,000 gallons daily. The Army engineers estimate the cost of the storage, diversion, and delivery of the water to San Francisco at \$77,400,000. The Army engineers examined several sources of water supply and reported that the Hetch Hetchy was

the most practical and easily available for the future needs of San Francisco. But perhaps the investigations of the engineers did not go far enough.

Let us consider what may be designated as the Snow Mountain, Clear Lake, and Putah Creek supply. The distance from Snow Mountain to San Francisco is 140 miles. Surveys just completed show that of this distance the water can be conveyed through natural channels for 66 miles, leaving only 74 miles for aqueducts, etc.

Where can this alleged supply be secured and how much of it is available?

From the South Eel River in Mendocino, from the watershed ranging south to Clear Lake, in Lake County, and still farther south to Putah Creek, in latitude with Napa.

This transfers the watershed for San Francisco's supply from the Sierra to the Coast Range, and from a diversion of the limited supply for the San Joaquin Valley to the surplus running to waste in the over-watered Sacramento Valley.

How much water?

Estimates just completed by competent engineers show that the South Eel River watershed may be relied upon for 200,000,000 gallons daily; that the Putah Creek watershed has a dependable supply of 300,000,000 gallons daily. The two sources combined assure 100,000,000 more gallons daily than Hetch Hetchy. Further, the cost of bringing this water to San Francisco across the upper Berkeley Hills and Carquinez Straits is only \$41,250,000—about one-half as much as the Hetch Hetchy plan. The storage capacity of the Snow Mountain-Eel River-Putah Creek plan is 1,500,000 acre-feet—enough water to supply San Francisco with water for three and one-half years even if not another drop of water fell. There are practically no water rights filed against this proposed supply; less than 2,000 acres are now in cultivation in districts affected by it.

Get this fact in mind: Sacramento Valley has more water than it needs. The area of the valley susceptible to irrigation is small. Ten million one hundred and seventy-five thousand feet of water flow past Redding. The total available water supply for the entire San Joaquin watershed is officially placed at 10,065,000 acre-feet—more than 100,000 less than the volume of the Sacramento at Redding.

The total of the Sacramento Valley watershed is placed at 24,026,000 feet. The area of the Sacramento Valley available for irrigation is only 2,659,000 acres. The area in the San Joaquin Valley available for irrigation is 6,630,000 acres. Sacramento Valley's watershed has a supply of more than 24,000,000 feet for 2,659,000 acres, while San Joaquin has only 10,065,000 feet for its 6,630,000 acres. Yet San Francisco would divert the Hetch Hetchy supply, which San Joaquin Valley will soon need and which some of the districts already need.

The Eel River and Putah Creek supply always will be waste water, unless utilized for the supply of some large city.

The watershed belonging naturally to the San Joaquin Valley will not irrigate one-half the valley's acreage which can be brought under irrigation. The situation is reversed in Sacramento Valley, where there is not enough acreage susceptible to irrigation to use one-half its available water supply.

It is time for the people of San Joaquin Valley to get busy, and the press will be derelict in its duty if it fails to put the facts before the people.

The Hetch Hetchy scheme is unnecessary for the future of San Francisco, since a better and cheaper water supply can be secured in the Coast Range watershed.

The water of Hetch Hetchy ought to be conserved for the future use of San Joaquin Valley, which needs every drop of it.

The Record protests, as it has protested before, against the Hetch Hetchy bill.

It embodies nothing but the innate selfishness of San Francisco, shortsighted statesmanship by the bill's sponsors, and a wanton injury to the San Joaquin Valley, upon the development of which much of the future greatness of California depends.

#### THE TRUTH ABOUT THE HETCH HETCHY AND THE APPLICATION TO CONGRESS BY SAN FRANCISCO TO FLOOD THIS VALLEY IN THE YOSEMITE NATIONAL PARK.

[Issued by the Society for the Preservation of National Parks—Eastern Branch. Pemberton Building, Boston. 1913.]

There was never any reason or excuse for giving away this water, except that San Francisco wanted it, and was too stingy to be willing to go into the open market and buy. (Los Angeles Evening News, editorially.)

The legislation is objectionable for reasons which take it out of the category of legislation of doubtful propriety and expediency and place it in that of doubtful constitutionality and of unquestionably mischievous and dangerous character. (Hons. SCOTT FERRIS and F. W. MONDELL, in 1909.)

We believe that its passage will eventually exclude the public from the Hetch Hetchy Valley and the Tuolumne Canyon, and we are not willing that this should be done, as it does not appear to be necessary for the city of San Francisco to obtain this property for a water supply. (Hons. A. J. VOLSTEAD and A. J. GRONNA, in 1909.)

Taunted for years and everywhere, usually by nations envious of our prosperity, as worshippers of the almighty dollar, as ready to sacrifice everything to money profit and hopelessly commercialized, here is opportunity to answer and refute the charge; to demonstrate that there are some things even in America which money can not buy, and that when the people have reserved to themselves, for their use and enjoyment a beauty spot of nature, a masterpiece of nature's god, they will preserve and defend it. (Brooklyn (N. Y.) Standard Union, editorially.)

The real difficulty with San Francisco is that it does not wish to consider any other supply. The others might cost more. (Hon. Herbert Parsons, in 1909.)

#### REPORT OF BOARD OF ARMY ENGINEERS TO SECRETARY FISHER.

(Page 50.)

The board is of the opinion that there are several sources of water supply that could be obtained and used by the city of San Francisco and adjacent communities to supplement the near-by supplies as necessity develops. From any one of these sources the water is sufficient in quantity and is, or can be made, suitable in quality, while the engineering difficulties are not insurmountable. The determining factor is principally one of cost.



## THE SITUATION IN SAN FRANCISCO.

The city is now suffering from a shortage of water and takes advantage of that situation to appeal to the sympathies of Congress. For this the city is wholly responsible. Owing to its quarrel with the local water company, the necessary extensions in the service have not been made. This quarrel is now settled, and the construction of the new "Calaveras" reservoir is about to begin. This will double the existing supply and provide for San Francisco for 25 years. There is now a 2 years' supply in the reservoirs near the city.

## THE EXISTING SUPPLY TO SAN FRANCISCO.

John R. Freeman, expert for the city, says of it: "The present quality of the water furnished by the Spring Valley Water Co. is, I believe, thoroughly wholesome and safe." (Freeman's Report, p. 61.)

It is a mountain water from the coast range and, according to the Army engineers, can be developed to 131,000,000 gallons daily—more than three times the present supply (report, p. 16) and sufficient for a population of thirteen hundred thousand, according to Mr. Freeman. Even taking into account all the cities around the Bay of San Francisco, the Army engineers find the "economical development" of the coast-range supply is 233,000,000 gallons daily (report, p. 17), or enough for a population of two and a quarter millions of people—present population about 750,000. One hundred gallons a day per capita is the present use. (Freeman, p. 79.)

## THE HETCH HETCHY AT LEAST FIVE YEARS AWAY.

Should this bill pass, water can not be brought from the Hetch Hetchy under 5 years (Freeman, p. 74), or 10 years according to former City Engineer Manson. Long before this the "Calaveras" supply would be ready, and with this Mr. Freeman advises "deferring" the building of the Hetch Hetchy works "4 or 5 years," and thus "put off for a few years the paying of interest on the large sum of money involved in building the Hetch Hetchy Dam." (Report, p. 69.)

The bill itself gives the city three years in which to file plans. Clearly the city is in no hurry.

## VIEWS OF THE COMMITTEE ON THE PUBLIC LANDS IN 1890.

This park was established in 1890. (26 Stat. L., 651.) In reporting this bill (H. R. 8350) the committee said:

"The bill under consideration established as a national park the portion of public lands lying within the described boundaries, containing therein primeval forests, great valleys, and inaccessible heights, the walls of which vary from 2,000 to 5,000 feet, and from the highest points of which the plummet will swing clear of the base."

"The preservation by the Government in all its original beauty of a region like this seems to the committee to be a duty to the present and future generations. The rapid increase of population and the resulting destruction of natural objects make it incumbent upon the Government, in so far as may be, to preserve the wonders and beauties of our country from injury and destruction, in order that they may afford pleasure as well as instruction to the people."

## VIEWS OF MEMBERS OF THE COMMITTEE ON THE PUBLIC LANDS IN 1909.

A similar bill was before this committee in 1909 and was reported by a vote of 9 to 8. The minority said, touching certain provisions regulating the amount of water to be taken by the irrigation districts and for electric power:

"But aside from this and all similar questions that have been raised, the legislation is particularly objectionable on account of features that are entirely unnecessary to the granting of the privileges that San Francisco seeks and which would, in fact, render the privilege granted of doubtful value, features which relate to subjects not under the control of Congress, and with regard to which it has no authority and ought not to attempt to legislate."

"The resolution came to Congress ostensibly on behalf of and for the benefit of San Francisco. As it is reported it is practically legislation for the benefit of the Turlock and Modesto irrigation districts and touching matters not within the scope of congressional authority."

"The legislation is objectionable for the reasons above mentioned, which take it out of the category of legislation of doubtful propriety and expediency and place it in that of doubtful constitutionality and of unquestionably mischievous and dangerous character."

This report (H. Rept. No. 2085, Sixtieth Congress, second session) was drafted by Hon. F. W. MONDELL, the then chairman of the committee, and is signed by Hon. SCOTT FERRIS, the present chairman. The argument is as potent now as then. This bill does not essentially differ from the one then considered.

Congressional action is desired because the proposed dam is to be built on the public lands, some of which will also be flowed. The other available supplies do not need congressional action. The disposition of the water in the river belongs to the State of California under its laws. Nevertheless this bill proposes to take the water of the river away from the riparian owners and the irrigable lands of the valley and give it to San Francisco, 160 miles away. It settles rights of irrigation districts in California, "notwithstanding any general laws of the United States or of the State of California or any general rules of property established by the courts." (Bill, sec. 9, i.) When was Congress ever before asked to settle purely State matters in such high-handed fashion?

## PRIOR APPLICATIONS BY THE CITY TO CONGRESS.

Senate bill 4134, referred February 5, 1904, to give the Hetch Hetchy to San Francisco never emerged from the committee. (Letter of Secretary Hitchcock to the President of Feb. 20, 1905.) In 1905 a similar bill in the House was laid on the table by the Committee on the Public Lands by unanimous vote. (Letter of Secretary Murdock to the President of Mar. 1, 1905.) In 1909 a similar bill was reported to the House by a vote of 9 to 8, but no action followed. The Senate committee took no action after hearing. In each Congress since bills have been introduced by the city which have slept in the files despite efforts to induce the city to bring them forward.

## PRIOR ACTION BY THE DEPARTMENTS.

In 1903 Secretary Hitchcock denied the application of the city for a permit to occupy the Hetch Hetchy, it then appearing that the surveys of the city had been "made surreptitiously." Upon a rehearing, in December, 1903, lasting three days, the permit was again denied. He reported against it to the President (Feb. 20, 1905), and Secretary Murdock, of California, wrote a supporting opinion (Mar. 1, 1905).

Secretary Garfield favored the grant, because, as he put it, "I do not need to pass upon the claim that this is the only practicable and reasonable source of water supply for the city. It is sufficient that, after careful and competent study, the officials of the city insist that such is the case."

This claim was at once vigorously disputed, and Secretary Ballinger, who visited the valley, caused an investigation to be made by engineers of the Reclamation Service, and as a result ordered the city to show cause why the Hetch Hetchy should not be eliminated from the Garfield permit, and subsequently caused the appointment of a board of Army engineers to report whether there were other sources of supply available which would be "adequate for all present and reasonably prospective needs of the city without the inclusion of the Hetch Hetchy Valley."

This board reported four other such sources: (1) McCloud River; (2) Sacramento River; (3) Lake Eleanor, etc.; and (4) American River, etc.—all ample. Upon this showing Secretary Fisher, who visited the valley, refused a permit to the city, which, therefore, now makes this appeal to Congress.

In 1910 George Otis Smith, Director of the Geological Survey, reported to the Secretary of the Interior, after a careful examination by engineers:

"The Lake Eleanor project is amply sufficient to meet the present and prospective needs of the city, and it is not necessary that the Hetch Hetchy Valley should be available to San Francisco for the purpose of a municipal water supply."

TWO HUNDRED AND FIFTY SQUARE MILES OF ARABLE AND IRRIGABLE LAND TO BE LEFT FOREVER ARID.

"The demands of the San Joaquin Valley for complete irrigation are in excess of the water available. \* \* \* There can be no question but that a large portion, if not all, of the flow of the Tuolumne (from the Hetch Hetchy) could be used for irrigation if stored. \* \* \* It seems quite certain that to irrigate the southern part of the San Joaquin Valley would be less expensive from the Tuolumne than from the streams farther north." (The Army engineers' report, p. 35.)

This 400,000,000 gallons daily for San Francisco is sufficient to irrigate at least 250 square miles (160,000 acres), which will thus be left forever arid, as there is no other source of water and there are foothill reservoirs where irrigation water can be stored. California land should produce \$100 per acre annually, and \$16,000,000 annually are thus to be taken from the resources of the Nation. In the Sacramento Valley the annual rainfall is sufficient to cover the irrigable portions to the "depth of 11 feet," while in this Hetch Hetchy region there would be only 18 inches. (Hearing on H. R. 6281, p. 80.)

"Much of these lands can be irrigated from the Tuolumne if the water of the river is not taken to San Francisco for municipal use." (Report of California Conservation Commission, 1912, p. 218; see p. 227.)

Can this be true conservation?

## IS THIS CONSERVATION?

California needs all its water for irrigation. Domestic use must necessarily rob irrigation. Why should not Congress leave the State to settle these questions? One hundred and twenty-five miles north of San Francisco the Eel River pours 200,000,000 gallons daily of good water into the Pacific Ocean which can never be used for irrigation. (Report of hearing, p. 89.) In the Sacramento River vast quantities of water run to the ocean. Why waste these near-by supplies in order to rob the San Joaquin Valley?

The plan of San Francisco, according to Mr. Freeman (Report, p. 78), is ultimately to take 95,000,000 gallons daily and use it for irrigation in and about San Francisco. Think of it! Rob arid lands at the source and bring water 160 miles to irrigate land already well watered. Then, too, the city proposes to throw away the present coast supply (233,000,000 gallons daily) and use Hetch Hetchy water in its place. A pretty conservation this!

## THE REPORT OF THE ARMY ENGINEERS.

Stress is laid on this report as recommending the grant of the Hetch Hetchy to the city. What the board says is this:

"The valley of the San Joaquin has less rainfall and less run-off from its rivers than the valley of the Sacramento. The Tuolumne River could, if not used for city supply, be used to irrigate a large amount of fertile land, as could almost any river in the valley of California, if means are found economically to store the water. The board believes that on account of the fertility of the lands under irrigation and the aridity without water the necessity of preserving all available water in California will sooner or later make the demand for the use of the Hetch Hetchy as a reservoir practically irresistible." (Report pp. 50-51.)

Let us cross this bridge when we come to it after full investigation of other reservoir sites. It is a lame and impotent conclusion to take this water away forever from irrigation where it is sorely needed and hand it over to San Francisco, which can turn to other sources.

## SECRETARY FISHER REFUSED THE GRANT.

Secretary Fisher wanted more information, and refused to act on this report, saying: "I have decided not to base any official action upon such a conclusion now, and because, if I were now properly authorized to take official action I would prefer some additional information." And he specifies as to these points whether "the use of the Hetch Hetchy Valley as a reservoir site is necessary if the full flow of the upper Tuolumne is to be conserved," evidently referring to the possibility of utilizing the foothill reservoirs suggested by Hon. Francis Burton Harrison, M. C. (Army report, p. 145), and "the San Joaquin Valley is relatively less well provided with water than the Sacramento Valley, both as to rainfall and as to run-off of rivers. The demands of the valley for complete irrigation are in excess of the water available."

Surely Congress also needs this information before it dedicates 80 whole townships to perpetual aridity.

## THE COST.

As Hon. Herbert Parsons, M. C., put it in his report to Congress in 1909 (60th Cong., 2d sess., No. 2085, p. 26):

"\* \* \* Certainly the Federal Government is not bound to give up to San Francisco two-fifths of a national park simply because it is cheaper. Why is it cheaper? It is cheaper because having been made a national park it has not been possible for private interests to file upon the water in the same manner that they could have if there had not been a national park. \* \* \* It (San Francisco) goes to Hetch Hetchy mainly because it is the cheapest. Hetch Hetchy is the cheapest because it belongs to all the people instead of some of the people."

The Army engineers figure the water rights that San Francisco would be obliged to purchase on other sources at a valuation of from four to nine millions of dollars. (Report, p. 49.)

But the Army engineers figure the Hetch Hetchy only as \$13,000,000 cheaper than the next more expensive source (the Sacramento River filtered). (Report, p. 50.) If this water is filtered, the extra expense



is figured by them at ten and a half millions (report, p. 33), so that the Hetch Hetchy is only two and a half millions cheaper. Filtration is required by the proposed act if the city becomes dissatisfied with the limited sanitary regulations; and its experts, Prof. Whipple, of Harvard, and Allen Hazen, told Secretary Fisher that filtration of this water would come in any event within 50 years.

The Sacramento River supply entails about one-half the actual outlay of the Hetch Hetchy—only \$52,000,000—while Hetch Hetchy will cost seventy-seven. The extra cost of the former, as figured by the Army board, is made up by a theoretical capitalization of pumping and filtration expense, which is spread over many years.

#### ELECTRIC POWER THE REAL THING WANTED.

The city will acquire by this grant electric power worth, so the Army engineers say, \$45,000,000. For this it pays nothing, except where power is sold, and then the payment to the Government diminishes with the price. But municipal lighting and power it gets free. We do not quarrel with San Francisco on any plan for municipal ownership of public utilities using electric current; but that should be at its own expense and not at the expense of the Nation. Already it has started a municipally owned electric railroad (Geary Street). Its engineer, Manson, estimated an annual saving of \$300,000 from lighting the municipal buildings alone.

Is not this the real cat in the meal? The Sacramento River gives plenty of water, but no power.

#### THAT SUPPRESSED REPORT.

Secretary Ballinger, in May, 1910, gave the city of San Francisco a postponement of his order to show cause why the Hetch Hetchy Valley should not be eliminated from the Garfield permit, saying:

"Said continuance and postponement is granted for the purpose of enabling the city and county of San Francisco to furnish necessary data and information to enable the Department of the Interior to determine whether the Lake Eleanor basin \* \* \* together with all other sources of water supply available to said city, will be adequate for all present and reasonably prospective needs \* \* \* without the inclusion of the Hetch Hetchy Valley as a part of said sources of supply."

"In granting said postponement and continuance it is understood that said city will at once proceed, at its own expense and with due diligence, to secure and furnish to said advisory board of Army engineers all necessary data upon which to make the determination aforesaid."

Yet in the face of this the city deliberately suppresses the Bartell official report obtained for the above purpose, which shows that from the Mokelumne River alone 432,000,000 gallons a day may be had. This supply is nearly 50 miles nearer San Francisco than the Hetch Hetchy. It is a Sierra water drawn from mountain lakes.

If this report was suppressed, how many other reports were also suppressed, and what would the Army engineers have reported had they had these reports?

Nor did the present city engineer, Mr. O'Shaughnessy, inform the Army engineers of his discovery of the reservoir sites on Dry Creek, below Hetch Hetchy, on which he reported to William H. Crocker, saying:

"It would be possible to use this source as an auxiliary supply to Oakland, Berkeley, or San Francisco. The water would be pure, unpolluted water from the snowsheds of the Sierras, and the expense of developing and conveying would not be 60 per cent of many other Sierra supplies."

LETTER OF HON. FRANCIS BURTON HARRISON TO SECRETARY FISHER, OF DECEMBER 3, 1912.

Of this plan Mr. Harrison writes:

"The project would in no way interfere with the possible development of irrigation in that region."

THE PASSAGE OF THIS BILL WILL RESULT IN THE EXCLUSION OF THE PUBLIC FROM NEARLY ONE-HALF OF THE YOSEMITE NATIONAL PARK.

The Hetch Hetchy Valley is the only large level place in the northwestern portion of the park where hotels and permanent camps can be located. The surrounding country is rough and mountainous beyond description, and other camping places are small and widely scattered. Flooding this valley would create a remote lake which would be rarely visited, as there would be no stopping places and no reason for visiting it, as mountain lakes are plenty.

Furthermore, how long will the people of San Francisco consent to camping on the watershed which covers hundreds of square miles where the enforcement of sanitary regulations must necessarily be very difficult, if not impossible, of enforcement? How long will it be before San Francisco demands and gets an act from some future Congress absolutely excluding the public from this territory—such an act as was passed to protect the Bull Run water supply of Portland, Oreg., where not even a road can be built into the watershed?

#### THE PRICE SAN FRANCISCO OFFERS TO PAY.

For this magnificent water supply, for \$45,000,000 worth of electric power, the city offers—what? A road over which it will bring its materials and supplies. It offered Secretary Fisher a "scenic" road around the valley; but this is now to be abandoned on account of the expense or, at least, much shortened.

#### THIS SUPPLY IS FOR SAN FRANCISCO ALONE.

The bill makes a grant to San Francisco alone. True, the other bay cities are referred to, but they may share only on terms San Francisco may dictate. As long ago as 1903 the Legislature of California passed an act permitting the formation of a water district about the bay. (Act of Mar. 24, 1903.) This being forgotten, a similar act was passed in 1909, which was amended in 1911. No such water district has ever been formed. This matter should wait until these cities determine officially on some plan in which they shall have the right to share.

#### THE PROPOSED BILL LOOKS TO THE YEAR 2000 AND NOT TO THE PRESENT.

The Garfield permit without Hetch Hetchy will furnish water for many years according to the report of the Director of the Geological Survey. All that is now claimed by the great expert, Mr. Freeman, is that this provision may not be sufficient a century hence if these cities about the bay grow as fast as he predicts. That is all there is to this bill.

What the uses of the park will be a century from now are entirely ignored, and stress is laid on the fact that to-day comparatively few people visit Hetch Hetchy because the road to it stops 8 miles away. The Government has already built hundreds of miles of roads in the various national parks, and when this 8 miles is built the influx of visitors must be large.

THIS PARK SHOULD AT LEAST BE PRESERVED FOR THE DWELLERS IN THE HOT PLAINS OF CALIFORNIA.

Already many dwellers in the central plain of California take their families in wagons to camp in the mountains in the hot season. This park should be made a campers' paradise, for which it is admirably adapted. This bill turns it into a scenic display for the tourist who can afford Pullman cars, automobiles, and hotels. The altitude of the Hetch Hetchy permits its use for campers far into the fall months. The resort to the Swiss mountains in winter as well as summer by all classes of people bent on rest and recreation shows what the future has in store for our national parks.

#### UNANIMOUS RESOLUTION OF THE CIVIC CLUB OF BINGHAMTON, N. Y.

In view of the irreparable loss threatened by the invasion of commercialism by the building of a reservoir in the beautiful Hetch Hetchy, a part of the Yosemite National Park of California, thereby destroying some of our noblest scenery, we place ourselves on record as protesting against the bill now pending in the United States Senate.

This received unanimous vote from the Civic Club of Binghamton.  
MRS. FRANK D. LYON, *President*.  
JESSIE MAREAN, *Secretary*.

BOONE AND CROCKETT CLUB,  
OFFICE OF SECRETARY,  
New York, November 8, 1913.

Extract from minutes of a meeting of the executive committee of the Boone and Crockett Club, held on October 27, 1913:

"Resolved, That the Boone and Crockett Club records its opposition to the surrender of any portion of the Yosemite National Park. This park has been dedicated to the people of the United States. Its partition would be a blow to the entire country. There are other sources of water supply in the Sierras which the city of San Francisco can acquire by purchase. The precedent of destroying a large area of our most beautiful national park for the benefit of a single metropolis is a most dangerous one, and if adopted will be followed by other encroachments on the national parks, which are none too large for the people of our country."

WM. A. WADSWORTH, *President*.  
HENRY G. GRAY, *Secretary*.

#### NEW YORK ZOOLOGICAL SOCIETY.

Extract from minutes of a meeting of the executive committee of the New York Zoological Society, held on June 24, 1913:

"Resolved, That the New York Zoological Society records its opposition to the surrender to the city of San Francisco of any portion of the Yosemite National Park. This park has been dedicated to the people of the United States. Its surrender to the people of San Francisco for a purely utilitarian purpose is a blow to the entire country. There are other adequate sources of water supply in the Sierras, which the city of San Francisco can acquire by purchase. The precedent of destroying a large area of our most beautiful national park for the benefit of a single metropolis is a most dangerous one, and if adopted will be followed by other encroachments on the national parks, which are none too large for the people of our country."

Attest:

[SEAL.]

H. J. SHORTER, *Assistant Secretary*.

Resolution passed by the American Civic Association at its annual convention held in Cincinnati, Ohio, November 18, 1909:

"Recognizing the wisdom of the Congress in setting aside for public use the great national parks and believing that any avoidable interference with the scenic integrity of these parks is in the highest degree undesirable, the American Civic Association, in convention assembled, urges the Secretary of the Interior to revoke the permit and the Congress to refuse to confirm such permit under which the city of San Francisco is assuming to control eventually for a domestic water supply more than 500 square miles of the best of the Yosemite National Park, unless after a full and impartial inquiry it shall be shown to the satisfaction of the Congress that no other sufficient source of water supply is available to San Francisco. We further respectfully represent that the granting and confirmation of such a permit to invade the public domain would create a most dangerous precedent under which other scenic possessions of the United States would be unsafe from individual or corporate assault."

J. HORACE MCFARLAND, *President*.  
RICHARD B. WATROUS, *Secretary*.

DECEMBER 3, 1912.

HON. WALTER L. FISHER,

*Secretary of the Interior, Washington, D. C.*

DEAR SIR: There is an economical and adequate source of water supply for the city of San Francisco which has not as yet been brought to your attention and which unquestionably merits investigation. Mr. M. M. O'Shaughnessy, city engineer of San Francisco, acting in the capacity of consulting engineer for one of the individuals interested in this project before his election as city engineer, is familiar with a portion of it and has made a most favorable report in regard to its possibilities for San Francisco water supply.

The project consists of one large and three small possible reservoirs lying north of the Merced River in Merced County, Cal., on Dry Creek, as shown on the attached map. The total capacity of the large reservoir, estimated from preliminary surveys, is approximately 65,000,000,000 gallons. The combined capacity of the three small reservoirs is approximately 58,000,000,000 gallons, the total capacity of the four reservoirs being approximately 123,000,000,000 gallons. The elevation of the floor of the lowest reservoir is approximately 200 feet above sea level. The elevation of the floor of the largest and highest reservoir is approximately 300 feet above sea level. This means that water could be taken to San Francisco by gravity a distance of approximately 150 miles. The advisability of maintaining pressure greater than this over many miles of pipe line is questionable, and as even in the event of the development of the Hetch Hetchy project pumping would probably be resorted to after the water had actually reached the city, this project does not suffer when compared with the Hetch Hetchy project.

The proposed reservoirs are so situated that water can be drawn from both the Tuolumne and Merced Rivers. This means that flood waters could be impounded so that the rights of irrigators would not be jeopardized, and the development of the project would in no way interfere with the possible development of irrigation in that region.



Mr. O'Shaughnessy advises the construction of an earth fill for a dam in the instance of the largest reservoir, and the same construction can be carried out in the development of the other three reservoirs.

The preliminary surveys and investigations of this project have been made by Mr. Charles D. Martin, an engineer of Merced County. His work on the large reservoir was checked over and passed by Mr. O'Shaughnessy, but as the project was being considered then for its possible value in connection with land development only the amount of water that could be drawn off at a certain fixed level was estimated. This amount Mr. Martin and Mr. O'Shaughnessy figured at 125,625 acre-feet, or, in gallons, 40,933,000,000. Below this level in the large reservoir there are approximately 15,000,000,000 gallons more, which makes the total capacity of the large reservoir, as above stated, 65,000,000,000 gallons. Mr. O'Shaughnessy's suggestion that the project would be tremendously valuable for city supply led to further investigation which brought to light the other reservoirs herein mentioned. The following is a quotation from a report dated July 29, 1912, made by Mr. O'Shaughnessy to William H. Crocker, of San Francisco, concerning the largest reservoir herein referred to:

"As the outlet of the reservoir will have an elevation of 300 feet above the sea it would be possible to use this source as an auxiliary supply to Oakland, Berkeley, or San Francisco. The water would be pure, unpolluted water from the snowsheds of the Sierras, and the expense of developing and conveying would not be 60 per cent of many of the other Sierra schemes."

I have purposely refrained from giving my estimates and figures as to the cost of construction, as I would prefer that such figures should come after further investigation has been made. Owing to the fact that the reservoirs are situated in the foothills and that facilities for construction work are of the best, the cost would be, as Mr. O'Shaughnessy states, far less than the cost of the Hetch Hetchy project.

The estimates of the capacity of the small reservoirs have been made conservatively, and Mr. Martin, the engineer, states that in his opinion construction work will be hardly any more expensive per gallon of storage than in the case of the largest reservoir.

I would be glad to furnish you with such data as I have at my command, but would prefer that an unbiased engineer, whom you may care to appoint for the work, make a complete report.

Yours, very truly,

FRANCIS BURTON HARRISON.

SAN FRANCISCO, September 29, 1913.

HON. HALVOR STEENERSON,

House of Representatives, Washington, D. C.

DEAR SIR: I have just had opportunity to read over the House RECORD of the two days' debates on the Hetch Hetchy bill, and have been gratified at your enlightened attitude in the matter and the staunch fight you put up for the people who own the parks.

I have noted that great weight has been placed by Representatives from other States on the unanimity of the Representatives of this State, and I have also noted in this debate with much regret the inaccuracies as to fact of statements made by our own Representatives. I see that Representative CHURCH, in a flight of eloquence, stated that the Hetch Hetchy Valley was now practically inaccessible, and that with a beautiful lake in it it might be resorted to and hundreds camp about the margins of the lake. How far this is from truth is shown by the fact that the city's plans contemplate at least a 200-foot dam, which will flood the entire Hetch Hetchy Valley, both upper and lower portions, and also the Little Hetch Hetchy Valley above and the lower end of the Tuolumne Canyon to a distance of 7 miles from the dam site, and the lake contemplated to be created in this valley would fill and cover the entire floor of the valley to the almost perpendicular walls at the side, so that unless ledges or benches are blasted out and prepared there would be absolutely no possible place for a human being to be, excepting on that portion of the road which the city promises to build along a portion of the north side of the valley.

I am inclosing some pictures of the valley, which indicate how nearly like it is in its many characteristics to the Yosemite Valley itself and how far it is from being a swampy marsh, as described by the proponents of the bill and our Representatives from California. I will not attempt to assign any reason for the attitude taken by our Representatives. However, the statements made by Mr. CHURCH and similar statements made by others of our Representatives must, of course, be founded on lack of information or else are intentional misstatements of the truth.

As a matter of fact we, largely doctors, professors, lawyers, business men, and school-teachers, who are opposing this unnecessary destruction of this beautiful valley, are those who have resorted to it many times. I have visited it myself personally four times, and each time in parties of about 200 people, so that it is easy of access except for vehicles, and one has not to scramble, fall over, slide down, nor incur any risk whatever in visiting the valley.

I noted also throughout the entire debate the persistent statement that the city was going to invest \$77,000,000 "in the dam." As a matter of fact the dam, as planned, may not cost, with all the other contemplated works, more than \$2,000,000 or \$2,500,000, for which, if no further works are built, the city will obtain a \$45,000,000 power plant. It will be easy to go thus far and then "discover" that there is not enough water for the needs of irrigation, and that according to the laws of California the irrigators have the first show, and therefore the city must be content with its power development.

It was originally planned and offered by this city to build a road entirely around the reservoir, bridging the far end. This would have made it possible for parties to visit the Tuolumne Canyon, going up or down through the canyon gateway to the Tuolumne Meadows. By conditions of the bill this will be impossible. The road as planned covers only a small portion of the circuit about the proposed reservoir that is cheapest to build. It passes on the same side as the waterfalls, and of course would not be a vantage point to view the beauties of either Wapama or Tueulala Falls.

There is no doubt but what your enlightened and statesmanlike stand will be appreciated at your home, and if you will see that we have the address of the officials of the State Federation of Women's Clubs, they shall hear from us in a way commendatory to yourself that will not be a hindrance to your future advancement.

Why should there not have been a bill passed calling for a complete and thorough investigation of all the streams of the Sierras flowing into both great valleys of the Sacramento and the San Joaquin, of all the possible storage sites, and for the formulation of a coordinated plan of water storage and reclamation that should provide every irrigable foot of land in both valleys with its due amount of water, and the surplus remain available for domestic use whenever needed in the State?

The taking of 400,000,000 gallons daily of water from the San Joaquin Valley will inevitably doom for all time 250 square miles of

irrigable land to aridity, and this for the reason that the investigations already made show that all the waters flowing into the San Joaquin Valley, if conserved, would not be sufficient to supply all the irrigable land in the valley with water.

It takes 2 feet annual service. San Joaquin Valley has 21 inches and Sacramento Valley 7 feet for their irrigable land if all water is stored and utilized.

Hoping that we may count on you in the future, wherever you may be, to stand up, as you have in this case, for the true interests of humanity, I am,

Very truly, yours,

E. T. PARSONS,

Secretary Society for Preservation of National Parks.

#### CONSERVATIONISTS ON RECORD AGAINST THE SCHEME.

John Muir, pioneer of conservation, discoverer of the great Muir glacier and expert on Sierra scenery. Mr. Muir, leader in this fight, calls the scheme "a colossal grab" and says:

"Dam Hetch Hetchy! As well dam for water tanks the people's cathedrals and churches, for no holier temple has ever been consecrated by the heart of man."

Dr. B. E. Fernow, who brought to the United States and advocated, while in the Interior Department, advanced German ideas of conservation, says:

"It would be an amazingly ridiculous action, showing up the incompetence of democratic government, to reverse, in the face of the sane report of the Army engineers, the conservation policy of preserving this sublime work of nature when there was no necessity for doing so."

Edward A. Bowers, Yale professor of land law, formerly of the United States Land Office under Cleveland, author of the provision under which the vast system of national forests has been established, and who presented to Secretary Lamar a comprehensive scheme of conservation, says:

"I have always been opposed to the project as being destructive of a fine portion of the Yosemite National Park, which is entirely unnecessary as a water supply for San Francisco."

Hon. George F. Edmunds, who, while in the Senate, killed a bill to confer private rights in the Yosemite Valley, writes from Pasadena of "the despoilment of the Hetch Hetchy Valley in the interest of the commercialism of San Francisco water men; etc., without any at all adequate reason of real public interest and necessity. I do hope that the sober sense of Congress will refuse to authorize the accomplishment of this scheme."

Dr. Charles W. Eliot, first president of the Conservation Congress:

"If the valley is turned into a lake used as a water supply for San Francisco, the public will have to be shut out from all the borders of the lake for health and pleasure uses. This deprivation always follows the use of any large body of water, natural or artificial, for a water supply."

Robert Underwood Johnson, who in 1889 made *The Century* the pioneer of magazines in conservation and first proposed to Mr. Roosevelt the idea of the White House conference:

"This piece of vandalism, so repugnant to the enlightened opinion of the country, can be rushed through only by the deference of the judgment of Congress to the statements of interested parties."

J. Horace McFarland, president of the American Civic Association and champion of Niagara preservation, who knows the valley by heart:

"The value of great scenic possessions is being increasingly recognized the world over. This value is now known to have a great influence upon the development of that best citizenship, without which the country is poor indeed."

The late Hon. John W. Noble, Secretary of the Interior and father of official conservation:

"The city has abundant water supply other than the reservoir to be constructed here, and it is not necessary to give this up."

The late Hon. E. A. Hitchcock, former Secretary of the Interior, who refused California's request for the valley:

"It is the aggregation of such natural scenic features that makes the Yosemite Park a wonderland, which the Congress of the United States sought by law to preserve for all coming time, as nearly as practicable, in the condition fashioned by the hand of the Creator—a worthy object of national pride and a source of healthful pleasure and rest for the thousands of people who may annually sojourn there during the heated months."

Frederick Law Olmsted, distinguished landscape architect and member of the National Art Commission.

Mrs. Emmons Crocker, chairman of the conservation committee of the General Federation of Women's Clubs.

Dr. David Starr Jordan, late president of Leland Stanford University, California, says:

"Nothing short of absolute necessity can justify damming Hetch Hetchy."

The late James T. Gardiner, formerly of the California and United States Geological Surveys, who ran the lines of the Yosemite Valley Reservation. Dr. George Kunz, president of the American Scenic and Historical Preservation Society. The late Prof. Joseph Le Conte, of California, the eminent geologist. Prof. Henry Fairfield Osborn, president of the American Museum of Natural History and the American Zoological Society.

Samuel Parsons, landscape architect, for years in charge of Central Park, says:

"The assault on the Hetch Hetchy, if successful, would be a wanton outrage on the marvelous natural beauties of a great national park which no artificial devices can remedy. Injury of natural beauties of this kind are irremediable."

Ernest Thompson Seton, the naturalist, writes:

"The broad principle of conserving the parks and of enlarging rather than contracting them is one to which I am strongly committed."

Edmund A. Whitman, Esq., the distinguished lawyer of Boston, who has visited the valley, says:

"There is no place in the whole 500 square miles in that northwest corner of the Park where any number of people can stay at one time except on the floor of this valley."

Hon. Herbert Parsons, former member of the House Committee on Public Lands, who visited the valley, says:

"The impressive part of Hetch Hetchy is that after you have traveled through the park, through what you might call its waste portions and its rock-bound lakes, you come down to this gem of a valley. . . . its beauty is the beauty of the floor of the valley, which would be absolutely destroyed by the reservoir."

Hon. Henry L. Stimson, recently Secretary of War, after a personal visit of inspection, thinks the Hetch Hetchy in some respects more beautiful than the Yosemite. He says:

"I feel that this scheme would involve an irreparable loss to the national park, and would greatly impair its ultimate development and



usefulness. Both I and the three Army officers who accompanied me felt that alternative water supplies could be secured that were adequate and satisfactory. The city finds it cheaper to obtain the Hetch Hetchy from Uncle Sam for nothing than to acquire by purchase or condemnation other sites where private interests have obtained a foothold."

Prof. Charles S. Sargent, etc., and chairman of the United States forestry commission of the National Academy of Sciences, which investigated the forestry question and recommended many reserves, created by President Cleveland, says:

"If it is possible, even with a larger expenditure of money, to obtain a water supply for the city of San Francisco from another source than the Hetch Hetchy Valley, the destruction of the natural features of that valley must be considered a national misfortune. An artificial reservoir in the valley will destroy some of the most beautiful and interesting scenery in the United States, and the use of a part of one of the national parks for such a purpose will establish a precedent which will make it easier in the future to invade other national parks for purposes which were not contemplated when these parks were established."

#### ARGUMENTS FOR THE SCHEME REFUTED.

(1) That there is a water famine in parts of San Francisco, making an emergency.

Answer. Any trouble is casual and is with the pipes, not the water. The Spring Valley Water Co., which furnishes the present supply, says there is two years' supply on hand. Mr. Freeman, the city's expert, says the quality of the water is of the best. It comes from a radius of 50 miles.

(2) That the city needs Hetch Hetchy to meet this emergency.

Answer. Hetch Hetchy is 150 miles distant, and could not be utilized for six or eight years.

(3) That Hetch Hetchy is the only supply available.

Answer. The Army Board of Engineers reports that there are several other sources, any one of which could be made available; that the problem is primarily one of cost. Ex-Mayor Phelan, of San Francisco, who is credited with originating the project, confessed before the Senate Committee on Public Lands in 1910 that the city could get an abundant supply of pure water anywhere along the Sierra by paying for it.

(4) That any other source would entail upon the city a cost exceeding that of the Hetch Hetchy by \$20,000,000 (the "estimate" of the Army board).

Answer. The Army board reports that neither it nor the city has made a "thorough and complete" investigation of other sources, except the Sacramento River. Who knows that it would cost \$20,000,000 more? If the Hetch Hetchy supply is filtered, this estimated difference must be reduced to \$3,000,000. This great question should not turn on the mere guesswork of the board when accurate data are not available.

(5) That this assumed difference of cost constitutes a necessity.

Answer. This theory implies that the Nation should give up any part of its great national parks when any city 150 miles distant wishes to save money, though the city might be in the hands of grafters, as San Francisco has sometimes been since the Hetch Hetchy fight began and as it may be again.

(6) That San Francisco, having suffered a great calamity by the earthquake, may appeal in the name of humanity for this relief.

Answer. This was the purpose of the first bill in Congress—to supply water for drinking and other domestic purposes. The object of this bill is hydroelectric power worth, the Army board says, \$45,000,000—a careful calculation. The San Francisco Journal of Commerce (Sept. 29, 1913) calls it "this wonderfully valuable privilege for San Francisco." The Call says, "Hetch Hetchy will bring an electric age." Leave out the power provision and the bill would be withdrawn. The humanity cry is pure humbug.

(7) That the city is in the clutches of a water monopoly.

Answer. The city has come to terms with the Spring Valley Co. and is to buy it out by condemnation proceedings. It might have done so years ago. The San Francisco Chronicle says (Oct. 14), "The company is ready to sell and the city is ready to buy." Again, it says (Oct. 4) "the condemnation suit seems to slumber soundly and strangely." As an argument for the bill the "monopoly" cry is pure humbug.

(8) That this "monopoly" is supporting the opposition to the bill.

Answer. In the same breath it is said that Mr. Bourn, president of the company, favors the bill. Men of integrity like John Muir all over the country are fighting it. They have no relation to the company.

(9) That everybody in California favors the bill.

Answer. Senator Works telegraphed to Senator Smoot that 99 per cent of the users of the water of Hetch Hetchy in the San Joaquin Valley are opposed to it. Many Californians outside of San Francisco also oppose it.

(10) That the valley will be improved by damming and flooding it.

Answer. The rare beauty of Hetch Hetchy, as the elder Frederick Law Olmsted said, consists in the contrast between the rugged cliffs and the exquisite floor. Destroy the latter and you destroy the "original beauty" which Congress determined to preserve by the act creating the Yosemite National Park. A city park is beautiful in its place, a natural lake in its place, but what is desirable in the Hetch Hetchy is the delightful charm of its lovely wildness, for which an ugly dam and an artificial reservoir with a dirty rim would be no substitute. If such a lake is more wonderful valleys in the national parks? Let the city politicians once get possession of the valley and who shall guard against a riot of vandalism? The mismanagement of the Yosemite Valley by California was a scandal until the valley was retroceded to the United States. The average politician would "coneyislandize" the Garden of Eden.

(11) That if the city doesn't take the national-park supply now the water will have to go to the irrigation farmers eventually.

Answer. For purposes of irrigation it can be impounded below and outside the park, as Mr. O'Shaughnessy, city engineer of San Francisco, has said. The bill would take the water from a naturally arid valley that is now using it, and will hereafter need it, instead of providing a supply for the city from the Sacramento Valley, which has more water than it can use.

The bald question is: Shall the Nation, in order to save San Francisco an assumed difference of cost between the Hetch Hetchy and any one of several other supplies spoken of by the Army board in its report, make the city a present of a franchise worth \$45,000,000 and destroy the unique beauty of the valley, called by Mr. Pinchot "one of the great wonders of the world"? If the Hetch Hetchy is not worth

saving, what else in the national-park system can be defended against the demands of commercial greed?

The National Committee for the Preservation of the Yosemite National Park urges every American citizen, man or woman, to make brief protest at once against this project to Senators of the United States and to the President. The proponents of the bill claim that a majority of the Senate are committed to its passage, but this is by no means sure. Most Senators, fatigued by the labors of the extra session, have not had time to weigh the testimony with the candor and thoroughness which should be given to a proposition of such importance and such irretrievable consequences. Committal to vote for a bill afterwards found to be against public policy is not likely to be considered binding.

But it is not to be disguised that only hard and continuous work can insure the defeat of this monstrous piece of folly.

"Winds blow,  
And waters roll, strength to the brave."

#### AGAINST THE HETCH HETCHY BILL—A DECLARATION BY THE HEAD OF PRESIDENT CLEVELAND'S FORESTRY COMMISSION.

Prof. Charles S. Sargent, the distinguished arboriculturist, director of the Arnold Arboretum of Harvard and chairman of the Commission for the Preservation of the Adirondack Forests, 1885, as well as chairman of the United States Forestry Commission, 1896-97, and otherwise known for his prominence in the conservation movement, has written as follows concerning the Hetch Hetchy controversy:

"If it is possible, even with a larger expenditure of money, to obtain a water supply for the city of San Francisco from another source than the Hetch Hetchy Valley, the destruction of the natural features of that valley must be considered a national misfortune. An artificial reservoir in the valley will destroy some of the most beautiful and interesting scenery in the United States, and the use of a part of one of the national parks for such a purpose will establish a precedent which will make it easier in the future to invade other national parks for purposes which were not contemplated when these parks were established."

#### AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS, New York, November 10, 1913.

The American Society of Landscape Architects has voted to oppose the principle of granting in any national park or monument either temporary or permanent rights in favor of individuals, corporations, or States that shall impair the beauty, freedom of use, or safety of such holdings. On this ground we oppose the proposed grant to San Francisco, Cal., of reservoir and power privileges in the Hetch Hetchy Valley of the Yosemite National Park that a bill pending in the United States Senate provides for, and also because it has been shown that such a grant is unnecessary.

CHARLES DOWNING LAY, Secretary.

#### WHAT MAKES THE HETCH HETCHY BEAUTIFUL.

In 1890 the unintelligent and inartistic treatment of the floor of the Yosemite Valley by the State commissioners—for it was then under control of California—was a matter of controversy throughout the country. There was a great outcry against the vandalism that was then being committed by the slashing of vistas, the cutting of underbrush, the conversion of natural meadows into hayfields, and other similar acts. At that time Mr. Frederick Law Olmsted, the elder, probably the most distinguished American landscape architect, wrote an article from which the paragraph which follows is taken. Its relation to the Hetch Hetchy Valley controversy at the present time will be manifest when it is remembered that, as John Muir says, "the Hetch Hetchy is a wonderful exact counterpart of the Yosemite," so that the principles which govern the beautiful effect of one valley are entirely applicable to the other. The lines printed in italics may, without the slightest straining for effect, be considered as applicable to the Hetch Hetchy itself. It is doubtful if Mr. Olmsted ever saw the latter valley.

#### EXTRACT FROM A STATEMENT IN REGARD TO GOVERNMENTAL PRESERVATION OF NATURAL SCENERY.

[By Frederick Law Olmsted, Brookline, Mass., Mar. 8, 1890.]

A systematic removal of all the young trees of the valley would be equivalent to the destruction in the course of time of just what the State of California stands voluntarily pledged to "hold, inalienably, for all time." That is to say, the distinctive charm of the scenery of the Yosemite does not depend, as it is a vulgar blunder to suppose, on the greatness of its walls and the length of its little early summer cascades; the height of certain of its trees, the reflections in its pools, and such other matters as can be entered in statistical tables pointed out by guides and represented within picture frames. *So far, perhaps, as can be told in a few words, it lies in the rare association with the grandeur of its rocky elements, of brooks flowing quietly through the ferny and bosky glades of very beautifully disposed great bodies, groups and clusters of trees. In this respect its charm is greater than that of any other scenery that, with much searching, I have found.* There is nothing in the least like it in the canyon of the Colorado, sometimes foolishly compared with the Yosemite. I felt the charm of the Yosemite much more at the end of a week than at the end of a day, much more after six weeks, when the cascades were nearly dry, than after one week, and when, after having been in it, off and on, several months, I was going out, I said, "I have not half taken it in." To the perpetuation of this charm nothing is more essential than the constant renewal of its wood. There will always be danger that fire will too much interfere with what it is necessary to provide in this respect.

#### SOCIETY FOR THE PRESERVATION OF NATIONAL PARKS, CALIFORNIA BRANCH, San Francisco.

MORE LIGHT ON THE DESTRUCTIVE HETCH HETCHY SCHEME—A CRISIS IN NATIONAL PARK AFFAIRS—LET EVERYONE HELP TO SAVE OUR GREAT NATIONAL PLAYGROUNDS FROM INVASION.

To the American people, fellow owners of the Yosemite National Park:

In 1890 Congress, with wise foresight, dedicated to the American people for all time this great health-giving playground. The Yosemite Valley had already been made a park, and it was primarily to preserve the Hetch Hetchy Valley and Tuolumne Meadows from destruction that the



greater Yosemite National Park was created. This was done 10 years before San Francisco began to covet the national park.

Negligently allowing opportunity after opportunity for making adequate provision for a future water supply to slip away and pass into private hands, she finally awoke to the fact that one of the cheapest sources remaining was the so-called Hetch Hetchy source on the Tuolumne River, inside the national park. This source attracted San Francisco solely because Congress had wisely set it apart for the use and recreation of all the American people, and consequently during all these years it had remained free from private claims.

The Hetch Hetchy Valley is a wonderfully exact counterpart of the great Yosemite, not only in its cliffs and waterfalls and peaceful river, but in the gardens, groves, meadows, and camp grounds of its flowery parklike floors. Here on this wonderful level floor, carpeted with ferns and flowers, amid magnificent groves of nature's own planting, is room for thousands of campers and tourists. Here they can view the wonderful domes and cliffs and waterfalls of this Tuolumne Yosemite as they can from no other place. San Francisco schemes to flood these gardens and groves 200 feet deep and to wipe out all the extensive and available camp grounds. There are no other camp grounds anywhere in this region that are at all comparable to those that would be destroyed. The effect of flooding the Hetch Hetchy Valley would be the same as if the Yosemite Valley were flooded, leaving not a single spot for a camp on all the spacious garden floor.

This same application by the city has been denied several times in the past. Secretary of the Interior Hitchcock refused it in most emphatic terms in 1903. A little later Secretary of the Navy Metcalf rendered a concurring opinion. In 1909-10 the city applied to Congress, but recognizing that the bill would be defeated it was allowed to die. Secretary of the Interior Garfield granted a qualified permit to use Lake Eleanor first, but Secretary of the Interior Ballinger called on the city to show cause why the Hetch Hetchy portion of this permit should not be eliminated, and Secretary of the Interior Fisher, in 1913, confirmed this order, saying that there was grave danger in creating such a precedent where the saving of money only was involved.

Encouraged by the change in administration at Washington, the city is again asking Congress for this priceless wonderland which belongs to all the American people. The city has been persistently working in Washington for months, with unlimited financial backing at its command, and is now striving to rush this bill through at scandalous speed, without allowing time for the people, the owners of the park, to be heard in its defense. It will endeavor to have the bill called up in the Senate in the near future, and it is vital that every person who reads this letter, no matter how little weight he thinks his request may have, should write to his Senators in Congress and to President Woodrow Wilson, asking that the wise forethought and labor of years may not be undone, and urge that this new administration shall not create the dangerous precedent of destroying and turning to commercial uses the parks dedicated to the people.

Already, emboldened by this assault, there are other interests at work, hoping to get a foothold in the vicinity of Yosemite Valley itself, in order to utilize the water power of its magnificent falls. No part of the people's parks will be too grand or too sacred to escape unscathed from hungry hordes of despoilers if this destructive Hetch Hetchy scheme prevails.

SOCIETY FOR THE PRESERVATION OF  
NATIONAL PARKS, WESTERN BRANCH,  
JOHN MUIR, President.

SAN FRANCISCO SPECIOUSLY CLAIMS AN EMERGENCY TO JUSTIFY ACTION  
AT THIS SPECIAL SESSION.

In order to rush this bill through at this special session of Congress before the general public has become aroused to the danger which threatens their parks, San Francisco is speciously urging it as an "emergency" measure. It is quite true and well known that San Francisco needs water, but her own engineers admit that the present supply can be more than doubled by adding near-by sources, and under the circumstances this is the only possible plan of development before the city has to go to the Sierra.

As a matter of fact, those portions of San Francisco now experiencing any shortage are the regions in which service pipes have not been properly supplied, and these pipes have not been laid on account of fruitless dissensions between the officials of the city and the water company at present supplying the city. The sworn statements of the water company for May 1 last show in their reservoirs 400 days' supply, and they have in their subterranean gravel sources another 400 days' supply, or over two years' supply if rain does not fall meanwhile.

The claim San Francisco's representatives are making that portions of the city are without water, and that there is a water famine imminent, is entirely aside from the question, for this situation can not be relieved in any way by the Hetch Hetchy, even if the city gets it, for it must go elsewhere for water in the meantime. The city officials and the water company have finally come to an agreement and have commenced the construction of a dam in the Calaveras Valley across the bay which will add 40,000,000 gallons daily to the present supply and will relieve the situation, so that it will be unnecessary to commence any Sierra project for many years to come.

Brig. Gen. H. M. Chittenden, United States Army, who recently made an elaborate investigation of San Francisco's water-supply needs, reported as follows:

"There is no substantial reason to believe that the consumption of water in San Francisco County will exceed 92,000,000 gallons daily by 1950, or 235,000,000 gallons daily for the five bay counties, apart from the supply from private wells.

"The three main divisions of the Spring Valley system—the Peninsula, the Alameda, and the Coast streams—by careful development into a single unified system are capable of a dependable supply of over 200,000,000 gallons daily.

"By resort to the company's other sources and to the San Joaquin River, the supply may be indefinitely increased.

"So far as quantity is concerned, there is no present necessity for a resort to the Sierra and will not be for an indefinite period to come.

"The question discussed in the foregoing report is not that of the sufficiency or desirability of the Hetch Hetchy supply in itself, but that of the present necessity of such an outside supply for the people of San Francisco and vicinity. The result of the investigation has been to show that such a necessity does not now and possibly may never exist; that the supply would be in the nature of a luxury rather than a necessity, and a very costly luxury at that." (From 1912 report of H. M. Chittenden, brigadier general, United States Army.)

The estimates of Engineer H. H. Wadsworth, who assisted the Army board, and the conclusions of the Army board itself indicate that it will be many years before these near-by sources are exhausted,

and that San Francisco's present claim of emergency is not consistent with the facts. John R. Freeman, the leading engineer employed by the city, reported that construction work on the Hetch Hetchy project could be deferred for several years, and that it would be greater economy to utilize nearer sources meanwhile. (See pp. 69, 74, Freeman report, 1912.)

#### MANY OTHER SOURCES AVAILABLE FOR SAN FRANCISCO.

The advisory board of Army engineers on February 19, 1913, after investigating the water-supply situation of San Francisco, arrived at the following conclusion:

"The board is of the opinion that there are several sources of water supply that could be obtained and used by the city of San Francisco and adjacent communities to supplement the near-by supplies as the necessity develops. From any one of these sources the water is sufficient in quantity, and is or can be made suitable in quality, while the engineering difficulties are not insurmountable. The determining factor is principally one of cost."

In the face of this report the truth that San Francisco can obtain abundance of pure mountain water for present and future needs without invading the Yosemite Park can no longer be questioned.

#### THE HETCH HETCHY VALLEY IN THE YOSEMITE NATIONAL PARK: WHAT IT IS AND THE DANGERS THREATENING ITS DESTRUCTION.

(By John Muir.)

##### DESCRIPTION OF THE HETCH HETCHY VALLEY.

A few enterprising politicians up to all sorts of big business, calling themselves "The City of San Francisco," have been plotting and planning for the last 10 years to get possession of the Hetch Hetchy Valley for a reservoir to supply the city with water and electric power, working very hard, watching the political sky, scheming, log rolling regarding the invasion of national parks as the development of natural resources for highest uses, and at last, after repeated defeats, pleading dire necessity for the colossal grab.

This Hetch Hetchy mountain temple so attractive to campers from the lowlands seeking rest and recreation, as well as to seekers of water and power is a grand valley like Yosemite, on the north side of the Yosemite National Park.

After my first visit, in the autumn of 1871, I have always called it the Tuolumne Yosemite, for it is a wonderfully exact counterpart of the great Yosemite, not only in its river and sublime rocks and waterfalls but in the gardens, groves, and meadows of its flowery parklike floor. The floor of Yosemite is about 4,000 feet above the sea; the Hetch Hetchy floor about 3,700. The walls of both are of gray granite, rise abruptly out of the flowery grass and groves, are sculptured in the same style, and in both every rock is a glacial monument.

Standing out from the south wall is a strikingly picturesque rock called "Kolana" by the Indians, the outermost of a group 2,300 feet high, corresponding with the Cathedral Rocks of Yosemite both in relative position and form. On the opposite side of the valley, facing Kolana, there is a counterpart of El Capitan, 1,800 feet high, and over its massive brow flows a stream which makes the most graceful fall I have ever seen. From the edge of the cliff it is free in the air for a thousand feet, then breaks up into a ragged sheet of cascades among the boulders of an earthquake talus. It is in all its glory in June, when the snow is melting fast, but fades and vanishes toward the end of summer. The only fall I know with which it may fairly be compared is the Yosemite Bridal Veil; but it excels even that favorite fall both in height and fineness of fairy airy beauty and behavior. In the first white outburst of the fall abundance of visible energy is seen, but it is speedily hushed and concealed in divine repose; and its tranquil progress to the base of the cliff is like that of downy feathers in a still room. Near the head is seen in groups of booming cometlike masses, their solid white heads separate, their tails like combed silk interlacing among delicate shadows, ever forming and dissolving, worn out by friction in their rush through the air. Most of these vanish a few hundred feet below the summit, changing to varied forms of downy cloudlike drapery.

So fine a fall might well seem sufficient to glorify any valley; but here, as in Yosemite, nature seems in no wise moderate for a short distance to the eastward of Tuolumne (the Indian name) booms and thunders the great Hetch Hetchy fall, Wapama, so near that you have both of them in full view from the same standpoint. It is the counterpart of the Yosemite Fall, but has a much greater volume of water. No two falls could be more unlike. Tuolumne out in the open sunshine sifting, floating, descending like thistledown; Wapama in a shadowy gorge roaring and thundering, pounding its way with the weight and energy of an avalanche. Besides this glorious pair there is a broad, massive fall on the main river a short distance above the head of the valley, a chain of magnificent cascades on a stream that comes in from the northeast, mostly silvery plumes, like the one between the Vernal and Nevada Falls of Yosemite, half sliding, half leaping on bare glacier-polished granite, covered with crisp clashing spray into which the sunbeams pour with glorious effect. And besides all these small streams come over the walls here and there with birdlike song, but they are too unshowy to be noticed in so grand a place.

The floor of the valley is about 3½ miles long and from one-fourth to one-half mile wide. The lower portion is mostly a level meadow, about a mile long, with the trees restricted to the sides, and partially separated from the upper forested portion by a low bar of glacier-polished granite, across which the river breaks in rapids.

It appears, therefore, that Hetch Hetchy Valley, far from being a plain common rock-bound meadow, as many who have not seen it seem to suppose, is a grand landscape garden, one of nature's rarest and most precious mountain mansions. As in Yosemite, the sublime rocks of its walls seem to the nature lover to glow with life, whether leaning back in repose or standing erect in thoughtful attitudes, giving welcome to storms and calms alike, their brows in the sky, their feet in the groves and meadows, a thousand flowers, leaning confidently against their adamantine bosses, while birds, bees, and butterflies help the river and waterfall to stir the air into music—things frail and fleeting and types of permanence meeting here and blending, as if into this glorious mountain temple nature had gathered her choicest treasures, whether great or small, to draw her lovers into close confiding communion with her.

Strange to say, this is the mountain temple that is now in danger of being dammed and made into a reservoir to help supply San Francisco with water and light. This commercial use of the valley, so destructive and foreign to its proper park use, is still being prayed for by the San Francisco board of supervisors, not because water as pure and abundant can not be got from adjacent sources outside the park—for it can—but



seemingly only because of the comparative cheapness of the dam required.

Garden and park making goes on everywhere with civilization, for everybody needs beauty as well as water and bread, places to play in and pray in, where nature may heal and cheer and give strength to body and soul. This natural beauty hunger is displayed in poor folks' window gardens, made up of a few geranium slips in broken cups, as well as in the costly gardens of the rich, spacious city parks and botanical gardens, and in our magnificent national parks—the Yellowstone, Yosemite, Sequoia, etc.—nature's own wonderlands, the admiration and joy of the world. Nevertheless, like everything else worth while, however sacred and precious and well guarded, they have always been subject to attack, mostly by despoiling gain seekers eagerly trying to make everything dollarable.

#### THE BEAUTIFUL LAKE FALLACY.

Landscape gardens, places of recreation and worship, are never made beautiful by destroying and burying them. The beautiful lake, forsooth, would be only an unnatural blot on the landscape, like many others to be seen in the Sierra. For instead of keeping it at the same level all the year, allowing nature to make new shores, it would, of course, be full only a month or two in the spring, when the snow is melting fast. Then it would be gradually drained, exposing the slimy sides of the basin and shallower parts of the bottom, with the gathered drift and waste, death and decay of the upper basins, caught here instead of being swept on to decent natural burial along the banks of the river or in the sea. Thus the Hetch Hetchy dam lake would be only a rough imitation of a natural lake for a few of the spring months, an open mountain sepulcher the others.

#### VIEWS OF JAMES BRYCE.

The Right Hon. James Bryce, until recently British ambassador to the United States, has for years been keenly interested in the preservation of Hetch Hetchy. In his address before the American Civic Association on "National parks—the need of the future," he said:

"The world seems likely to last a long, long time, and we ought to make provision for the future.

"The population of the world goes on constantly increasing, and nowhere increasing so fast as in North America.

"A taste for natural beauty is increasing and, as we hope, will go on increasing.

"The places of scenic beauty do not increase, but, on the contrary, are in danger of being reduced in number and diminished in quantity, and the danger is always increasing with the accumulation of wealth, owing to the desire of private persons to appropriate these places. There is no better service we can render to the masses of the people than to set about and preserve for them wide spaces of fine scenery for their delight.

"From these propositions I draw the conclusion that it is necessary to save what we have got and to extend the policy which you have wisely adopted by acquiring and preserving still further areas for the perpetual enjoyment of the people."

#### THE WATER-POWER MOTIVE BEHIND THE SCHEME.

We have always contended that water power was the principal inducement for the city's acquiring the Hetch Hetchy source. The Freeman report declares that the city can ultimately develop 200,000 horsepower from this source, "an amount greater than is developed to-day at any one hydraulic power house outside of Niagara," and that this "power privilege will be a most valuable asset of the Tuolumne water-supply system." The Army engineers estimate the privilege to be worth \$45,000,000. This fat plum it asks of the Nation as a free gift, to be attained only through the Nation's loss of a valley whose scenic assets are worth immensely more if preserved for future generations.

Even had the city proved a necessity, which she has not done, warranting the mutilation of the national park as the city plans, would it not have been a just proceeding for the Government to have reserved some measure of the spoils which are admittedly not an essential part of the city's plan to secure pure water, to have definitely laid down the policy that this power, should be forever reserved for sale, the proceeds to be devoted to improving and maintaining the parks? And this on the broad basis that these national parks, having been reserved for all the people who own them in common, thus having been "conserved" in the broadest sense of the term, they should be administered and maintained for all the people, including the citizens of California, rather than that they should be diverted, mutilated, or sequestered from their dedicated public use to the dollar gain of a section, a municipality, or a corporation of any sort.

The irrigation districts in the San Joaquin Valley started to fight this bill most bitterly, but all of a sudden the opposition ceased, and everyone wondered why. However, a colleague of one of the irrigation-district representatives states in explanation that the city attorney and the city engineer, representing San Francisco, promised the representatives of the irrigation districts that they would never interfere with their water supply, and that it was not water that they were after, but the power, and that they were perfectly willing that the irrigationists should have all the water, provided the city could get the power rights. By what right are San Francisco politicians entitled to capitalize for their own and the city's profit the wise foresight of this Nation, exercised in the interest of all its citizens? If such a rank policy of commercialism is once provided with a precedent, every one of the people's playgrounds will become the object of municipal and political greed. Shall we let the money changers ruin what is left to us of God's temples?

#### VIEWS OF J. HORACE M'FARLAND, PRESIDENT OF AMERICAN CIVIC ASSOCIATION.

"The value of great scenic possessions is being increasingly recognized the world over. This value is now known to have a great influence upon the development of that best citizenship without which a country is poor indeed. It is also admittedly understood to relate very closely to the maintenance of the health of the people. \* \* \* The travel tribute paid to the Yosemite National Park is annually increasing, and as our population increases it must increase in larger proportion, for more and more are men driven for necessary rest and recreation to the few remaining spots presenting undamaged nature's sublimest works. It may therefore be assumed, I insist, that all of the Yosemite National Park, which in its wisdom Congress set aside many years ago for just the purpose I have been urging, holds a very large value, inhering to all the people of the United States. This value, I insist, should not be interfered with except for a grave public necessity and for cause fully shown to the satisfaction of the whole country, who own the Yosemite National Park."

#### A DANGEROUS PROVISION OF THE BILL.

A clause introduced into the Hetch Hetchy bill at the last moment provides that people must not deposit refuse within 300 feet of running streams. This, at one stroke, ousts all visitors from the sublimely wonderful Tuolumne Canyon, one of the greatest wonders in the park. For at most points the canyon walls are less than 300 feet from the river.

This will also make it impossible to camp in many most beautiful portions of the park where the cliffs come down close to the streams. By referring to the report of the Army engineers to Secretary Fisher, we find, on page 32 in the report of the city's sanitary experts, the statement that 50 feet from the banks of any running stream would be a satisfactory and sufficient restriction.

On account of its importance the communication to the city from Messrs. Hazen and Whipple, well-known experts on water supply, is quoted:

WASHINGTON, D. C., November 25, 1912.

PERCY V. LONG,

City Attorney, City of San Francisco.

DEAR SIR: In compliance with your request, we suggest that the following rules are appropriate and sufficient for the purpose of protecting the water in the Yosemite National Park proposed to be used for a municipal water supply for San Francisco under present conditions and under all future conditions of which we can conceive as probable, even should 10,000 or 20,000 people per year visit this watershed upstream from the proposed reservoirs of the city of San Francisco.

#### RULES.

(1) No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 50 feet thereof.

(2) All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified.

(3) It is forbidden to bathe, wash clothes or cooking utensils, to water stock, or in any other way pollute the waters within the limits of the Hetch Hetchy Reservoir or in the streams leading thereto within 1 mile of said reservoir or in the water from the reservoir between it and the "Early intake" of the aqueduct.

The first and second of the above rules are requirements of common decency and are needed in order to protect campers along the stream from the effects of pollution by other campers farther up the stream, whether or not the city were to use the water. The third rule is substantially the same as that now in force on the waters and creeks above the Sentinel Hotel in the Yosemite Valley. This rule, so far as it relates to the stream between the Hetch Hetchy Dam and the "Early intake," will not be needed after the construction of the aqueduct through this distance.

We are of the opinion that no rules are required forbidding fishing in the reservoir or against boating or bathing in the stream upstream from the reservoir and that there will never be need for prohibiting camping, skating, and sleighing on the Hetch Hetchy catchment area.

Rules against littering the ground at camping places are not essential for sanitary reasons, but are desirable for making the park more attractive when frequented by large numbers of campers, whether or not used for municipal water supply.

We can not conceive it as even remotely possible that future conditions could call for the exclusion of tourists or campers from this watershed when guarded by the above rules and a very few sanitary inspectors; and should popular sentiment or higher standards as regards water supply arise 50 years hence there will always remain the opportunity for filtration.

This gathering ground, however much frequented, will remain so superior to the average surface water supply of American cities that action by the city toward the exclusion of campers may be regarded as certain to never be called for.

Respectfully submitted.

ALLEN HAZEN.

GEORGE C. WHIPPLE.

City officials, when interviewed on this matter, disclaimed responsibility for the change and referred to above report of their experts as embodying all they ask.

For what reason has this legislation closed to the 90,000,000 Americans large areas of the park they own in a way the city's representatives disclaim and admit to be unnecessary?

The late Hon. E. A. Hitchcock, Secretary of the Interior, denied San Francisco the use of Hetch Hetchy Valley as a reservoir December 22, 1903, saying:

"Presumably the Yosemite National Park was created such by law because of the natural objects, of varying degrees of scenic importance, located within its boundaries, inclusive alike of its beautiful small lakes, like Eleanor, and its majestic wonders, like Hetch Hetchy and Yosemite Valley. It is the aggregation of such natural scenic features that makes the Yosemite Park a wonderland which the Congress of the United States sought by law to preserve for all coming time as nearly as practicable in the condition fashioned by the hand of the Creator—a worthy object of national pride and a source of healthful pleasure and rest for the thousands of people who may annually sojourn there during the heated months."

#### HETCH HETCHY VALLEY.

"It is a veritable Yosemite Valley on a small scale. The Hetch Hetchy Falls, near the lower end of the valley, are fully equal in beauty and grandeur to many of the falls in Yosemite Valley. The rugged granite walls, covered with domes, towers, spires, and battlements, seem to rise almost perpendicularly upon all sides to a height of 2,500 feet above this beautiful emerald meadow, which, seen from the trail approaching it from the east, is a sight never to be forgotten." (Twenty-first An. Rep. U. S. Geological Survey, Pt. IV, p. 450.)

"\* \* \* below me—hundreds of feet below—lay the valley, a broad meadow, green as emerald, skirted at the edge with forests and locked in precipitous granite cliffs, mountain high, between which white waterfalls stood erect and slim like dryads. Through this meadow a shining river wandered lazily—we could not see from so far how swift it was—turning back upon its course, tangling itself into Ss and Ms as if it were loth to leave so beautiful a place. It looked like pictures I have seen of the Vale of Cashmere, like that river whose meanderings have been the inspiration of a nation's art, whose pattern you may unravel in your Persian rugs and shawls. This was our Vale of Cashmere; ours forever, wisely dedicated to the people by our Government, preserved forever from despoiling hands within the sacred boundaries of a national park, and therefore indestructible, inviolable."

"\* \* \* It was a garden of paradise, this valley, a lesser Yosemite but very different, with an infinitely charming individuality of its own;



smaller but more compact, less grand but not less beautiful." (From description by Harriet Monroe at hearing before Senate Committee on Public Lands on S. Res. 123, Feb. 10, 1909.)

#### THE TUOLUMNE MEADOWS.

On the headwaters of the Tuolumne River, which runs down and drains into the proposed Hetch Hetchy reservoir, are situated the famous Tuolumne meadows.

The importance of these meadows as camp grounds and their scenic beauty have been described as follows:

Prof. Joseph Le Conte, the late eminent geologist, writes that "the Tuolumne Meadow is a beautiful grassy plain of great extent, thickly enameled with flowers and surrounded with the most magnificent scenery."

Referring to this same region, the United States engineers report as follows:

"Peaks capped with perpetual snow are numerous. Mounts Hoffman, Conness, and Gibbs, and many others raise their heads to an elevation in excess of 12,000 feet, while Mounts Dana, Lyell, and McClure (over 13,000 feet) have in addition living glaciers of great beauty, equal in interest to those of Switzerland."

Following along the Tioga Road a series of lakes and streams are passed that are unequalled for fishing. The scenery is particularly grand, and there are found here a number of mineral springs which are equal to any of the famed springs of the country. Through this section of the park wood, water, and grass abound, making it a paradise for campers. (S. Doc. No. 155, 56th Cong., 1st sess., p. 21.)

John Muir, our honored president, says that "the upper Tuolumne Valley is the widest, smoothest, most serenely spacious, and in every way the most delightful pleasure park in all the high Sierra."

#### THE GRAND CANYON OF THE TUOLUMNE.

This stupendous scenic feature of the Yosemite National Park extends for 20 miles immediately above the Hetch Hetchy Valley along the main river, which drains directly into the proposed reservoir.

To describe it is almost beyond the power of words, but Herbert W. Gleason, the well-known traveler and lecturer of Boston, has written the following creditable description:

"The Grand Canyon of the Tuolumne River deserves to rank, in its sublime impressiveness, stupendous majesty, and rugged beauty with anything that this country affords. The Grand Canyon of the Colorado is, of course, superior in its vast extent and its brilliant coloring; yet the Tuolumne Canyon, by reason of the fact that its perpendicular walls, 4,500 to 5,000 feet in height, are as a rule less than a mile apart at their base, while the walls of the Colorado Canyon are from 10 to 15 miles apart, produces a sense of overwhelming grandeur which not even the great Arizona Canyon can give. Through the length of the canyon for 20 miles flows the Tuolumne River in a constant succession of magnificent waterfalls and cascades, some of which, though not as lofty, are more uniquely beautiful than the famous falls of the Yosemite Valley."

These features of the Yosemite National Park have been described to emphasize the fact that excepting the Yosemite Valley the Tuolumne watershed portion of the park is by far the finer and more attractive half.

The bill now before Congress provides that all garbage and refuse must be deposited more than 300 feet away from any running stream flowing into Hetch Hetchy Valley. Since there are few places in this canyon where the vertical walls are 300 feet from the river, the practical effect of this destructive bill would be to forever close to the public one of the most wonderful canyons in America.

#### EFFECT OF FLOODING THE HETCH HETCHY VALLEY.

The board of Army engineers who reported on this project said:

"It is admitted that the Yosemite Valley is as a whole more wonderful than the Hetch Hetchy Valley, but the floor of the latter is more diversified in its trees and flowers and of at least equal beauty. Flooding the valley would destroy this floor and the falls of the Tuolumne at the head of the valley."

G. Frederick Schwarz, a forest landscape expert, says:

"In many respects similar to the Yosemite, to which it lies nearest, it surpasses even that splendid valley in the grouping of its trees, its magnificent single specimens, its fine oak benches, meadows, and richly decorated walls."

#### THE UNIQUE AND STRATEGIC RELATION WHICH HETCH HETCHY VALLEY BEARS TO THE PARK AS A WHOLE.

"In traversing the northern portion of the park, owing to the mountainous and rocky nature of the country, suitable camping spots and forage grounds, especially for parties of a considerable size, are few and far between. Sometimes when a spot for the night's camp has been selected the packers are obliged to drive their animals—or allow them to wander—long distances in order to secure sufficient and suitable feed. Under these conditions Hetch Hetchy Valley, with its level floor and luxuriant meadows, is hailed as a paradise both by man and beast. It is owing to this circumstance that all the trails in the northern portion of the park center in Hetch Hetchy; and in time to come, as travel increases, it will be recognized that here is the spot above all others for a hotel to be built, not only because of the magnificence of the surrounding scenery but because here the demands of such an establishment can best be met. With Hetch Hetchy flooded, this important feature of the valley as headquarters for tourist travel will be forever lost, and there will be absolutely nothing to take its place."

ADDRESS BY COL. JORDAN ON AGRICULTURAL FINANCE (S. DOC. NO. 237).

Mr. FLETCHER. I ask unanimous consent to have printed as a document an address delivered by Hon. Harvie Jordan, of Atlanta, Ga., delivered before the General Assembly of Georgia at Atlanta, Ga.; the National Conservation Exposition at Knoxville, Tenn.; and the South Carolina State Fair, held at Columbia, S. C. Col. Jordan is a member of the United States commission and also of the American commission that investigated the subject of rural credits. The subject of his address is agricultural finance. I have an estimate of the cost of printing, and it is very moderate.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the matter referred to by him be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

#### PETITIONS.

Mr. WEEKS presented resolutions adopted by the Central Labor Union of Boston, Mass., and resolutions adopted by Typographical Union No. 13, of Boston, Mass., favoring an investigation into the copper-mining industry in northern Michigan, which were referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Congregational Church of Agawam; of the Missionary Society of the South Congregational Church, of Springfield; and of the Woman's Guild of the Memorial Church of Springfield, all in the State of Massachusetts, praying for the passage of the so-called antipolygamy bill, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of the Massachusetts Peace Society, praying for a suspension of the naval construction programs of the great powers, which was referred to the Committee on Naval Affairs.

Mr. LANE presented resolutions adopted at a meeting of the Commercial Association of Pendleton, Ore., favoring the enactment of legislation providing for flood protection of the lower Mississippi River and the reclamation of its alluvial lands, which were referred to the Committee on Commerce.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 3418) for the relief of the trustees of Mount Sinai Church, Prince George County, Va.; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3421) granting an increase of pension to Vincent Knapp (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3422) for the relief of James E. Hewey; to the Committee on Claims.

A bill (S. 3423) granting a pension to Warren W. Norton;

A bill (S. 3424) granting a pension to Ira W. Arnold;

A bill (S. 3425) granting an increase of pension to David H. Hall (with accompanying paper);

A bill (S. 3426) granting an increase of pension to Chandler Swift (with accompanying papers);

A bill (S. 3427) granting an increase of pension to Joseph P. Phillips (with accompanying papers); and

A bill (S. 3428) granting an increase of pension to Carrie M. Chase (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3429) to provide for the purchase of a site and for the erection of a public building thereon at Oregon City, Ore.; to the Committee on Public Buildings and Grounds.

A bill (S. 3430) to advance in grade certain officers of the United States Army, Navy, and Public Health Service, for their services in connection with the construction of the Panama Canal, and for other purposes; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 3431) to amend subchapter 1, relating to institutions of learning, and subchapter 3, relating to societies, benevolent, educational, etc., of chapter 18 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on Corporations Organized in the District of Columbia.

By Mr. BURTON:

A bill (S. 3432) granting an increase of pension to Etta M. Fleaharty; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 3433) granting pensions to Bull Snake and Old Coyote, Crow Indians (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3434) granting a pension to Georgiana Chamberlin (with accompanying papers); and

A bill (S. 3435) granting an increase of pension to Albinia J. Pierce (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3436) granting an increase of pension to Josephine H. Hawley (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3437) for the relief of H. Clay Howard (with accompanying paper); to the Committee on Claims.



By Mr. MYERS:

A bill (S. 3438) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

By Mr. LEWIS (by request):

A joint resolution (S. J. Res. 78) for the relief of applicants to purchase and actual bona fide purchasers of land under the terms of the grant to the Oregon & California Railroad Co. (with accompanying papers); to the Committee on Public Lands.

GEORGE EDWARD LERRIGO.

Mr. THOMPSON. I introduce a bill admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, State of Kansas, and in connection with the introduction of the bill I wish to make a statement.

The bill (S. 3419) admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas, was read twice by its title.

Mr. THOMPSON. Mr. President, in view of the fact that I introduced a similar bill only a short time ago in this session and it was reported adversely by the Committee on Immigration, and on motion indefinitely postponed, I feel that I should say at least a few words in explanation of my act in introducing it a second time.

In the first place the committee were laboring under the impression that there was no precedent for a bill of this character. Since the action of the committee I have found that there have been at least two cases where the rights of citizenship have been conferred by special act of Congress. One is the case of Eugene Prince, of Boston, Mass. His grandfather was a native-born American citizen residing at Boston, Mass. He removed to Russia, and there the father of Eugene Prince was born, who married a Russian woman, and of that union Eugene Prince was born. Eugene Prince's father and mother never were residents of the United States. Eugene Prince came to the United States, and about a year ago, by special act of Congress, the rights of citizenship were conferred upon him.

The other is the case of Mrs. Sartoris, well known to all, the daughter of Gen. Grant, who lost her citizenship by marriage to a British subject. When she returned to America the rights of citizenship were conferred upon her by a special act of Congress.

The committee were also under the impression that Mr. Lerrigo could avail himself of the general laws of naturalization. After thorough investigation of the naturalization laws it has been shown conclusively that there is no way at all by which Mr. Lerrigo can avail himself of the general laws without giving up his position in China and returning to America and then establishing a five years' residence. Mr. Lerrigo has represented in China since 1909 the Young Men's Christian Association of America and has lost his residence in the United States, although he had lived here ever since he was 15 years of age and until receiving this appointment. We, therefore, have a young man in China doing a great Christian work in that new Republic by representing the Young Men's Christian Association of America who can not avail himself of the benefit and protection of the laws of his own country in that foreign land.

In this connection I send to the desk and desire to have read the statement of Mr. Lerrigo himself of his case, showing the situation he is in.

The PRESIDING OFFICER. Without objection, the statement will be read upon request of the Senator from Kansas.

The Secretary read as follows:

STATEMENT OF THE CASE OF GEORGE E. LERRIGO, SEEKING NATURALIZATION BY SPECIAL ACT OF CONGRESS.

George E. Lerrigo, a white man, was born in Wellington, England, September 3, 1871.

In 1886, when George E. Lerrigo was 15 years of age, his father left England and brought his entire family to America, where they took up their residence in the State of Kansas that year.

In 1892, before coming of age, George E. Lerrigo made general inquiry to find out whether it was necessary for him to do anything to complete his citizenship. He was assured that his father's naturalization would include all members of the family.

Prior to the election in 1892 he registered as a citizen of the State of Kansas and voted at that election and at every successive State, county, and city election held in the State until 1909.

In 1899 he was married to Miss Annette Montgomery, a native-born white citizen of the State of Illinois.

From the year 1890 until the year 1909 he was general secretary of the Young Men's Christian Association of Topeka, Kans.

In 1909 he accepted appointment as representative of the Young Men's Christian Association of the city of Chicago and of the International Committee of North America to go out to China as a Young Men's Christian Association secretary, which he did, and resided in China in that capacity only from November, 1909, to February, 1913.

During his residence in China he continued to regard himself as an American citizen and was registered in connection with the consulates at Hongkong and Canton.

In 1911 he made application to the American consul in Hongkong for a passport to visit some of the interior provinces, and in proof of his citizenship sent for his father's papers.

When those papers arrived and he presented them at the consulate he discovered that his father had failed to take out his second papers and fully complete his naturalization as an American citizen until six weeks after the date of his (George E. Lerrigo's) majority.

Until that time he had always supposed that he was in good faith a bona fide citizen, fully naturalized, of the United States of America.

He returned to America in March, 1913, for a short furlough, which has now ended.

He returns to his work in China on the 16th of December, 1913.

On account of his absence in China it has become impossible for him to avail himself of any of the acts or amendments to such acts which have been passed for the purpose of remedying such cases, in that the law requires that he must have been continuously resident within the United States for the five years next preceding his admission as a citizen.

For more than 25 years he has supposed that he was a bona fide American citizen. All the members of his father's family and of his wife's family are American citizens.

All his sympathies and interests are centered in American civilization and he is very anxious to be a fully naturalized citizen of the United States. He is representing American interests and civilization as an American in the infant Republic of China.

He can not take advantage of any of the means of naturalization provided under the law without giving up the work which he is doing in China and becoming and remaining a resident of the United States of America for another five years.

The accident of the fault in his father's second papers not only deprives him of his citizenship, but deprives his wife of her citizenship, although she was born in America.

The only possible relief which can be given in this case is by special act of Congress.

He therefore asks Congress to take this action, which alone can complete his naturalization.

The PRESIDING OFFICER. The bill and accompanying statement will be referred to the Committee on Immigration.

#### IMPROVEMENT OF COLUMBIA RIVER.

Mr. LANE. I introduce a bill as a substitute for a bill (S. 3297) which I introduced a short time ago making an appropriation for the construction of a dredger to be used in the improvement of the harbor of the Columbia River. It seems that in the first instance I did not ask for enough money. I do not like to appear negligent in the matter, and I reintroduce the bill providing for an increased appropriation.

The bill (S. 3420) making an appropriation of \$1,500,000 for the construction of a dredger to be used in the improvement of the harbor of the Columbia River was read twice by its title and referred to the Committee on Commerce.

#### TELEPHONE SERVICE IN THE DISTRICT.

Mr. NORRIS. I submit a resolution, for which I ask present consideration.

The resolution (S. Res. 214) was read, as follows:

Resolved, That the Public Utilities Commission of the District of Columbia be directed to supply the Senate with the following information:

First. The total number of telephones now in use by Government or District officials within the District of Columbia and paid for by appropriations of Congress.

Second. The total amount paid annually for the use of such telephones by the District of Columbia and the total amount paid annually for the use of telephones by United States Government officials.

Third. The total number of telephone exchanges in use by officials of the District of Columbia and by United States Government officials within the District of Columbia.

Fourth. Whether such exchanges were installed at the expense of the District of Columbia and at the expense of the United States Government or whether the same were installed at the expense of the telephone company.

Fifth. Whether said telephone exchanges are operated by employees of the Chesapeake & Potomac Telephone Co. or whether they are operated by employees of the District of Columbia and employees of the United States Government.

Sixth. Whether under the rules and regulations adopted and enforced by the said Chesapeake & Potomac Telephone Co. any preference is given to Members of Congress and Government officials over other users of said telephones, either in regard to the rental charged for the use of telephones or as to conditions under which the use of said telephones can be discontinued.

Seventh. By what law or statute has the said Chesapeake & Potomac Telephone Co. been permitted to operate and carry on its business within the District of Columbia.

Eighth. A schedule of charges for the use of telephones within the District of Columbia enforced by the said Chesapeake & Potomac Telephone Co.

Ninth. The total number of telephones now in use within the District of Columbia.

Tenth. The total capital stock of the said Chesapeake & Potomac Telephone Co., and whether said stock, or any part thereof, is owned by other corporations.

Eleventh. How much of said capital stock was actually paid in cash. How much, if any, of said capital stock was issued at less than par, and if issued at less than par, then at what price. How much of said capital stock was issued for property other than money; and if so, what was the value of such property as compared with the par value of the stock issued for the same.

Twelfth. Whether said Chesapeake & Potomac Telephone Co. owns the stock, in whole or in part, of other corporations; and if so, to what extent and the names of such corporations and the value of the stock so owned.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. GALLINGER. Mr. President, my attention was diverted when the reading of the resolution commenced, and I did not hear all of it. I simply suggest, in connection with the resolution, that at the last session of Congress we created a public



utilities commission for the District of Columbia, which, I apprehend, has jurisdiction over all these corporations. I know there has been more or less agitation by the citizens of the District in connection with this matter, with a view to having the public utilities commission, which is composed of most excellent men, look into all these subjects. It may be important that we go further than that. I do not know what the Senator from Nebraska proposes in the resolution, for, as I have stated, I did not hear the first part of it read.

Mr. NORRIS. Mr. President, if the Senator from New Hampshire will yield for a moment I think I can explain the resolution.

Mr. GALLINGER. Certainly.

Mr. NORRIS. I should like to say, to begin with, that my attention was attracted to this subject by the fact that when I came to this body the charges made for the use of telephones in the District of Columbia seemed to me to be exorbitantly high.

Mr. GALLINGER. If the Senator will permit me, I have the resolution now, and I observe—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. Since I have started, I should like to explain the resolution a little further.

Mr. GALLINGER. Very well.

Mr. NORRIS. I found that upon some of the monthly rates, which must be agreed to for a year by the subscriber, the charges were over 5 cents for each call. I knew, in a general way, that the Government of the United States and the District of Columbia used a great many telephones that were paid for by the Government from appropriations made by Congress. I started out to find the number. It seemed to me it ought to be an object lesson in bookkeeping, so far as the Government of the United States is concerned, for I found that there was no official who could give me the information I desired. There could have been calls made by resolution upon the heads of the different departments, which would have brought the information as to the number of telephones the Government used, the amount paid, the keeping up of the exchanges, and so forth, so far as the individual department was concerned, but it would have required a separate resolution for each department.

Then I found that there were a great many independent bureaus that were not under the head of any department, such as the Library of Congress, the Interstate Commerce Commission, the Isthmian Canal Commission, and a great many others. There were also the Capitol Building, the House Office Building, the Senate Office Building, and the White House, and none of them were under the head of any department. We would not have been able to get the information, for instance, in this Capitol Building which I desired, unless we passed a resolution and asked the House of Representatives to inquire from some of its officials as to the amount they paid. I found that the clerk of the Committee on Appropriations was unable to give me any information in regard to the matter and had nothing in his office from which he could furnish such information, because the appropriations were made in lump sums, and because out of the same appropriations items other than those for the use of telephones were paid.

I was unable to find any statute that gave to the telephone company the right to operate in the District of Columbia. I took up the question with the District Commissioners and finally drew the resolution which I have introduced calling upon the public utilities commission for the information.

Under the law we passed in the last session of Congress providing for the establishment of the body known as the public utilities commission this commission has a right to examine the books of all corporations operating in the District of Columbia, and can get all the information I have asked for in the resolution.

I found that this corporation, the Chesapeake & Potomac Telephone Co., for instance, which operates the telephone system in the District of Columbia, was a corporation organized under the laws of the State of New York; that every share of its stock was owned by another corporation, which was organized under the laws of the State of Pennsylvania, and that all the shares of that corporation were owned by another corporation organized under the laws of some other State. Then, coming back to this corporation operating in the District of Columbia, it in turn owned all the stock of another corporation that was operating the telephone system in the State of Virginia; that it directly operated another telephone system in the State of West Virginia; and that, when it was formed, it took over property belonging to another corporation in the State of Maryland that was operating the telephone exchange of the city of Baltimore. So there was a maze of corporations that seemed to becloud the issue, and it seemed to me, if we wanted to get a full

disclosure of the facts as to whether the rates charged are exorbitant, that the place to go is to the public utilities commission, which has the right to summon any officer of any corporation doing business in the District of Columbia or to send its own employees to make an examination of the books of such corporation.

If there are no further questions, Mr. President, I ask that the resolution be put upon its passage.

Mr. GALLINGER. Mr. President, I would not have made any observation had I heard the resolution read from the beginning. My attention was diverted by other Senators when the reading of the resolution was commenced. I observe that this is a call upon the Public Utilities Commission of the District of Columbia to furnish this information. I think they ought to take up the matter without being instructed by Congress, but if they do not choose to do so I see no objection to the resolution.

In the reading there is one phrase that attracted my attention, and that is that inquiry is to be made whether preference is given to Members of Congress by this corporation.

Mr. NORRIS. Yes, sir; that is one of the inquiries.

Mr. GALLINGER. I assume everybody knows that no preference is given to Members of Congress by this or any other corporation. Under the statutes it would be a criminal offense to do so. Those of us who use telephones know that we pay the usual rental for them; and yet, if the Senator desires that phraseology to remain in the resolution, I shall not object; but we seem to be constantly investigating ourselves.

Mr. NORRIS. Right on that point, I think, the Senator, when the investigation is made, will have to recall his statement. I believe he will find that he is mistaken, and that there is a preference given under the rules and regulations of the corporation to Members of Congress and some other high officials of the Government. I understand that it is one of the rules and regulations of this telephone corporation now doing business in the District of Columbia—that a Senator or a Member of the House of Representatives and some other Government officials entering into a contract the same as any other individual, renting a telephone for a year, to be placed in his house or in his apartment, will have the privilege at any time he sees fit of discontinuing the service.

The telephone will then be taken out and he will be charged only for the time that he has actually used it. I am not complaining of the regulation; but if he is not some high Government official, if he is an ordinary citizen, if he has no voice in legislation either in this body or in the other House, he will not be able to get that kind of a concession; he will not be able to have his contract canceled; he will have to pay for at least one year, according to the statement contained in the contract; in other words, according to the bond.

I myself believe, Mr. President, that in effect that is a discrimination, that it is not fair, and that whatever rule or regulation is provided for a Senator or a Member of the House of Representatives ought to apply to the most humble citizen in the District who wants telephone service. That was the object of that part of the resolution. If the investigation shows that I am mistaken, I would be very glad to have that fact developed.

Mr. GALLINGER. All I know about the matter, Mr. President, is that I am paying for telephone service in the District of Columbia about twice the rental I pay in my own home city. I had supposed that I was paying as much as anybody else in the District of Columbia; I hope so.

If there is a discrimination as to the length of time telephones may be used by men in public life and by the average citizen, I think myself that is a matter that might well be inquired into. I did not read the resolution to cover particularly that point, as it refers to the rentals which we are paying. However, as the Senator suggests, that matter will be investigated by the commission under the resolution, and I do not object at all to its passage.

Mr. SMOOT. Mr. President, may I ask the Senator from Nebraska a question?

Mr. NORRIS. I yield to the Senator from Utah for a question.

Mr. SMOOT. I wish to ask the Senator if he does not believe that it is proper that men who do not live permanently in the District, but who come here to attend Congress, and especially during a short session, when they are here only until the 4th of March, should not be compelled to pay a full year's rental for a telephone?

Mr. NORRIS. Mr. President, I think the question is a very proper one, but the same privilege should be accorded to the man who comes here to labor in the streets just as it is to a Senator of the United States. The rule does now apply to a Senator; but if a man comes here for a temporary purpose, for in-



stance, if he should come here as an ordinary laborer and should put a telephone in his house or in his apartment and his labor should cease at the end of three months, he would be compelled to pay for that telephone for a year, while if he were a Senator he would notify the company, and they would discontinue the telephone service at once. So far as I know, the charges paid are the same; but it seems to me that it is just as bad, by rule or regulation, to give a preference to me as to the time that I may rent my telephone as it would be to give me a rebate on the price, for, in fact, it is a rebate on the price.

I have inquired of individuals who are not in the Government employ, who are not Members of the House of Representatives or of the Senate, and who have had experience, and I have never found a case where they were not compelled to pay for the entire year.

For fear there may be some misconception in regard to this proposed investigation because of one remark made by the Senator from New Hampshire, that the commission has the power to investigate and that perhaps the resolution is unnecessary, I wish to say that I have all the faith in the world in the public utilities commission. They are doing a great deal of good work. I thought, however, that this resolution would call their particular attention to the matter and would give them specific authority in addition to the general one. I consulted with them, I will say, before I introduced the resolution, and I am satisfied that they will do their full duty. It seems to me there can be no possible objection to eliciting the information, which may be a basis for any rule that the commission may adopt in regard to the regulation of the telephone service or a basis for any legislation that Congress may see fit to enact.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

#### MINING CLAIMS ON SEWARD PENINSULA, ALASKA.

Mr. WALSH. From the Committee on Mines and Mining, I report back favorably without amendment the bill (S. 3397) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims, and I submit a report (No. 129) thereon. The matter being urgent, I ask unanimous consent for the immediate consideration of the bill.

Mr. PITTMAN. I do not intend to oppose the immediate consideration of the bill. In fact, I intend to say just one or two words in support of it, as I had the honor of introducing the bill.

Mr. SMOOT. Mr. President, may we have order in the Senate? We can not hear a word the Senator from Nevada is saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SMOOT. Will the Secretary read the title of the bill?

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. A bill (S. 3397) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims.

Mr. PITTMAN. Mr. President, this bill, which I introduced, has been reported favorably from the Committee on Mines and Mining. It is simply a copy of a bill that was passed in 1892, relieving the miners of the necessity of doing the annual assessment work on mining claims for the year 1893, with the exception that this bill applies solely to the Seward Peninsula in Alaska.

I will state the reason for the passage of the bill. There has been a great catastrophe at Nome, Alaska. A storm destroyed a number of warehouses; and the storm was followed by fire, which also destroyed a number of warehouses and foodstuffs.

The conditions on the Seward Peninsula with regard to doing the annual assessment work are different from those anywhere else in the United States. There it is necessary to wait until the snow falls before the prospectors can transport their tools and provisions to the places where the assessment work is to be done. These creeks lie all the way from 100 to 200 or 300 miles away from Nome, which is the center of habitation. The prospectors wait until the snow falls, in October or November, to do this work. The storm and the fire have not only destroyed a large amount of the provisions in Nome but they have made destitute a great many people who ordinarily would have this service to perform.

I therefore think it is but reasonable that, so far as concerns mining claims situated on the Seward Peninsula, the assessment work for the year 1913 should be remitted. That is all the bill provides for.

Mr. SMITH of Arizona. Mr. President—

Mr. CLARK of Wyoming. Let the bill be read.

The PRESIDING OFFICER. That will be ordered at the proper time.

Mr. SMITH of Arizona. Before the bill is read, I ask permission to interrupt long enough to inquire whether this is not the very neighborhood or place where such a catastrophe happened that an appropriation was made here the other day to aid the people there?

Mr. PITTMAN. It is the same place.

Mr. LANE. Before the bill is read, I wish to say that I am familiar with conditions in that part of the country. The conditions there at this time are very grave, and they are certainly exceptional. I think the relief asked for ought to be granted.

The PRESIDING OFFICER. The Senator from Montana [Mr. WALSH] asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary read as follows:

A bill (S. 3397) to amend section 2324 of the Revised Statutes of the United States relating to mining claims.

*Be it enacted, etc.,* That the provision of section 2324 of the Revised Statutes of the United States, which requires that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year, be suspended for the year 1913 as to mining claims situated on Seward Peninsula, in the District or Territory of Alaska west of longitude 158 west and north of latitude 64, so that no mining claim which has been regularly located and recorded as required by the local laws and mining regulations within such area so described shall be subject to forfeiture for nonperformance of the annual assessment for the year 1913: *Provided*, That the claimant or claimants of any mining location in order to secure the benefits of this act shall cause to be recorded in the office where the location notice and certificate is filed on or before December 31, 1913, a notice that he, she, or they in good faith intend to hold or work said claim: *And provided further*, That this amendment shall in no way annul, modify, or repeal said section as to any mining claims, either in the District of Alaska or elsewhere, except those said mining claims within the area herein particularly described.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CLARK of Wyoming. Mr. President, I do not object to the present consideration of the bill, but I wish to make a statement in regard to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CLARK of Wyoming. I wish to call the attention of the Senator from Montana and the Senator from Nevada to the fact that the bill relieves every man, whether as a result of his own laches or otherwise, who has failed to make \$100 worth of improvements upon his claim during the year 1913. Undoubtedly both Senators have considered that matter and are fully satisfied; but it occurs to me that the bill relieves those who have not been industrious as well as those who are industrious, and relieves those who had abundant opportunity and abundant means to do the required work up to the time of the storm mentioned and the difficulties that arose through the elements. It relieves all of them, whether they have been themselves to blame or not. I wanted to be sure that the Senators understood the situation.

Mr. PITTMAN. That is undoubtedly true, Mr. President, and if there were any practical method by which they could be segregated, we might try to accomplish it.

Mr. CLARK of Wyoming. I can suggest only one thing to the Senator. The bill is new to me. I had never looked it over until I heard it read from the desk. But if in the certificate which is required to be filed by the entryman he should include something that would show, either by his own affidavit or by other proof, that up to the time of the passage of the bill he was unable by force of circumstances to complete his proof it might remedy the matter in some particulars. I do not know, however, but that it would be so cumbersome that it would defeat the whole operation of the bill, and that I do not desire.

Mr. PITTMAN. I wish to say that the pending bill is not to relieve anyone from a forfeiture. There has been no forfeiture as yet. The men have until the 1st day of January to commence the work. The object is to relieve them of an additional hardship, the community having already suffered such a terrific hardship that it becomes necessary for the Government to render them assistance.

Mr. CLARK of Wyoming. The Senator is undoubtedly correct in his statement. If I used the word "forfeiture" I did not intend to use it.

Mr. PITTMAN. No; the Senator did not use it. I interpolated it.

Mr. CLARK of Wyoming. In effect it relieves everyone who has held a mining claim in that district during the last year from putting upon it the \$100 worth of work that the statute requires. It makes no difference whether the \$100 worth of work has been prevented by the circumstances the Senator has detailed or whether the lack of it has been due to the



negligence, the laches, and the carelessness of the entryman. That is what I wanted to call attention to.

Mr. PITTMAN. That is true, but there are peculiar conditions existing on Seward Peninsula, with which I am personally familiar, having lived there for two winters.

Practically all of the miners in that peninsula, no matter where they own their claims—it may be that they are located two or three hundred miles away from there—make Nome their headquarters. They live there. They obtain their provisions there. They depend upon that center for their supplies. The wealthy men of Nome and the Seward Peninsula rarely spend their winters there. They are in San Francisco or Seattle or some other place in the United States. The three or four thousand men left in Nome this winter are the miners who are compelled to live there, as a general thing, by reason of their poverty.

While there may be in Nome to-day certain men who are financially able to do their annual assessment work, there are hundreds and hundreds of them who have hardly clothes to cover them or provisions for one day. From what I know of those people the men who have the means and have the clothes are undoubtedly dividing what they have with those who have none.

Inasmuch as the object of the assessment law was only to show good intentions, to show a bona fide intention to develop a property, I think we should not try to amend the bill so as to compel a man to testify that he is a pauper to enable him to get the benefits of it. I think it is a great, humane thing to say to the people in that vicinity, who have already suffered so greatly, "We will not compel you to suffer additional hardships, and we will not impose upon you the necessity of swearing that you are paupers."

Mr. CLARK of Wyoming. The last statement of the Senator makes no impression whatever upon my mind. I am in favor of the passage of the bill, but I suggested what I thought might be an evil result from it.

In reference to the Senator's last statement, my impression always has been that this assessment work was done at the season which is most favorable for assessment work, which in Alaska, as I understand—and I must be pardoned for this statement if it is incorrect—is in the summer time.

Mr. PITTMAN. Mr. President, I must correct the Senator in that respect. It would be thought that that would be true, that the weather conditions in the summer time would be favorable; but it is not the case, for the reason I shall state.

In the summer time everything in Alaska is saturated with water. There are very few horses in that country, and traveling in the summer is almost impossible on account of the water. Another thing: The method of prospecting a creek in Alaska is to sink to bedrock to see whether or not it contains gold. That is the character of work they do as annual assessment work. You can not sink to bedrock on a creek in the summer time unless you have a pump with you and pump it out, and the chances are that no pump you could furnish would do it. Therefore, as I said before, the time of the year that is used for doing annual assessment work and prospecting a claim is the winter-time.

Everyone uses sleds and dog teams up in that country. They can haul their provisions over the snow a hundred miles where they could not pack them on their backs 5 miles. So they wait until the wintertime, and they haul the provisions to the place they want to prospect. The ground is frozen hard. There is no running water. They pick the sagebrush and the willows around there, they melt the gravel, they thaw to bedrock, and by that assessment work they determine whether the claim is of sufficient value to justify draining it in the summer time and mining it in the ordinary course.

Mr. CLARK of Wyoming. The Senator's statement is informing. I was unaware of the situation, and, as I say, I am in favor of the bill. When I first rose I simply wished to point out that I thought perhaps by a little care some evil results might be avoided. I hope none will follow.

Mr. BORAH. I wish to ask, in a word, what the bill purports to do. I have been unable to find out specifically the object of the bill. Is it to relieve these people from making proof of their assessments?

Mr. CLARK of Wyoming. It is to relieve them from doing the work.

Mr. PITTMAN. It is to relieve the claim owners on the Seward Peninsula, who practically all live in Nome, from the necessity of doing their assessment work for the year 1913.

Mr. BORAH. Is that all the bill purports to do?

Mr. PITTMAN. That is all the bill purports to do.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senator from Nevada to the fact that the bill does not pro-

vide any way of notifying the entrymen of its passage. Does the Senator think they live in a sufficiently small space of country so that all will be notified and will be able to take advantage of the provisions of the bill?

Mr. PITTMAN. I will say, from the telegrams I have received from various parts of Alaska, that they are watching and waiting for the passage of this relief measure, and there is not a man in Alaska who will require any notification after the bill passes.

Mr. SMOOT. I wanted to be sure about that. I am in favor of the bill, and think it ought to pass; but I did not want it to pass in such shape that next year we will have perhaps a hundred or more people coming here and saying they knew nothing about its passage and asking special acts of Congress for their particular relief.

Mr. PITTMAN. The Senator's question is very pertinent, but that is the fact concerning it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY MR. GEORGE WHEELER HINMAN (S. DOC. NO. 236).

Mr. LEWIS. I ask unanimous consent to insert in the RECORD an address by Mr. George Wheeler Hinman upon taking his seat as president of Marietta College, Marietta, Ohio, in which he sets forth what he feels to be the duties of colleges in their cooperation with legislative bodies in this country.

Mr. BACON. I do not like to object, Mr. President, but I do think the RECORD ought to be limited to utterances in this Chamber. If the Senator wishes to publish it as a document, I have no objection; but I do not think everything which may possess merit, however meritorious it may be, should find a place in the CONGRESSIONAL RECORD. That is not the function of the CONGRESSIONAL RECORD. The function of the CONGRESSIONAL RECORD is to narrate what occurs here.

If the Senator in making a speech makes it a part of his remarks, that is a different matter; but you can at once see the extent to which this may be carried. Hardly a day passes without the eye of each Senator falling upon something which he thinks worthy of preservation, and which probably he takes some little step to preserve, but not in the RECORD.

Mr. LEWIS. I concur with the able Senator from Georgia in what we have all observed, that the RECORD has been lumbered a great deal with wholly extraneous matters. Since, however, matters similar to this have been constantly put in the RECORD, and matters which in my judgment were not half so worthy, as suggested by the able Senator from Utah [Mr. SMOOT], and as the address relates to the duty of colleges to cooperate with the United States Senate and the House of Representatives in matters touching the legislation of the country, and advises the colleges to get in closer touch with the legislative bodies to avoid the prejudice which so generally prevails against legislative bodies for lack of general information, I assumed it would not be impertinent.

If it is the desire of the Senator from Georgia to make objection now as to all other matter in the future that does not consist of addresses delivered in this Chamber, I am willing to have my particular matter the initial one. But if the distinguished Senator from Georgia wishes to object merely to this particular matter, and in the future to allow the insertion of similar matter from other sources and other Senators, then I am unable to see the wisdom of the discrimination.

Mr. BACON. The honorable Senator is entirely mistaken when he speaks of it as an initial objection. The objection has been urged very insistently and persistently for a long number of years in this Chamber, and in very rare instances have those objections been surmounted and outside articles published in the RECORD.

Mr. LEWIS. Of course I take the word of the able Senator from Georgia from his long experience here as to the practice in this Chamber, and under no circumstances would I myself wish to visit an infraction upon it.

I will therefore adopt his suggestion and ask unanimous consent that the matter be printed as a public document, in order that I may not incidentally or accidentally violate any of the rules respecting publication in the RECORD.

Mr. GALLINGER. Mr. President, I am very glad that the Senator from Illinois has taken that course. I was very much disposed this morning to object to two or three different articles that were by unanimous consent inserted in the RECORD, one of them being a communication on the currency question. My table is loaded down with communications of that kind, and I have never thought of asking that any of them should be inserted in the RECORD. I think there were two other matters inserted in the RECORD that were extraneous.



I very heartily concur in the view that the Senator from Georgia has so well expressed—that we ought, on both sides of the Chamber, to agree to exclude all such matter from the RECORD. It is becoming a very cumbersome publication, and it ought to be confined, as the Senator says, so far as possible, to the utterances in the Chamber and not to speeches that are made outside or to communications on public questions from great varieties of people, most of whom know as little about the currency question as I do, and that is not very much.

So I am gratified that the Senator from Illinois, with his usual kindness and courtesy, has consented to have this article published as a document. I trust the Senator from Georgia, who is charged more particularly with matters of legislation now than we on this side are, will enforce his objection, and I shall be glad to cooperate with him in doing so in the future.

Mr. BACON. Mr. President, I hope I may not be put in the position, by the suggestion of the Senator from New Hampshire, that I have any individual obligation or duty to discharge in this matter. I think it is one common to us all, and I certainly would not assume any higher obligation or duty in that matter than any other Senator.

I wish to say simply one word further. It appears from what the Senator from New Hampshire has said that there have been other articles introduced into the RECORD this morning. I wish to say, in justification to myself, that when I made the objection to the insertion of the article proposed by the Senator from Illinois I was not aware of that fact. I should have objected to them in the same way. I would not have the Senator from Illinois think that I had assented by my silence to the introduction of other extraneous matter and had then objected to what he proposed. I do not think that anything in the nature of an outside utterance in the way of a speech, magazine article, or anything else ought to be introduced into the RECORD unless it is in connection with some Senator's remarks, and then it is always permissible.

Mr. LEWIS. Mr. President, it was the fact that this morning other articles were presented and received for publication, to which I alluded when I referred to what I thought was a discriminating objection on the part of the Senator from Georgia; and I accept his own statement that of those other matters he had no knowledge.

Responding to the Senator from New Hampshire, I desire to say to that able Senator that this article does not relate to currency, if that was his opinion. It relates to the general subject of the ethics and the duties of colleges to cooperate with legislative bodies.

Mr. GALLINGER. That is a very important subject.

Mr. BORAH rose.

Mr. LEWIS. Does the Senator from Idaho wish to interpose?

Mr. BORAH. I simply desire to know what rule it is that has been laid down here this morning.

Mr. LEWIS. I will answer the Senator from Idaho by saying that I offered the address of the newly installed president of Marietta College, Ohio, where he made as his subject the duty of colleges to cooperate with legislative bodies in this country. The Senator from Georgia [Mr. BACON] objected upon the ground that he feels that no matter should go in the RECORD save matter expressed on this floor. I urged that I thought that was a new kind of objection; that I had not heard it urged against similar articles presented and which had been accepted for publication in the RECORD.

Mr. BORAH. I think the rule perhaps is a wise one, but it is one that is constantly and persistently and universally violated. If it is going to be enforced, well and good; but there is no reason in the world why this article shall go out in view of the record which we have. We have cows in the RECORD and all other kinds of exhibitions.

Mr. LEWIS. Mr. President, I close the subject by saying that I accept the suggestion of the Senator from Georgia, by having the address made a public document rather than embarrass the RECORD by any innovation of the rules.

The PRESIDING OFFICER. The Senator from Illinois withdraws his first request—that the article be printed in the RECORD—and asks unanimous consent that it be printed as a public document. Is there objection? In the absence of objection, it is so ordered.

#### CARTOONS IN SENATOR TILLMAN'S RETROSPECT OF 18 YEARS.

Mr. SMOOT. Mr. President, some three weeks ago I gave notice that I would bring up the question of a reconsideration of printing in the permanent RECORD the allegorical cows of the Senator from South Carolina [Mr. TILLMAN]. I have talked with the Senator a number of times on this question. He seems to feel that since the Senate has once given consent it would be rather an improper thing to ask for a reconsideration of the matter.

I wish to say that if it was any other Senator in this body I would still adhere to my original notice, and I would ask for a reconsideration of the order, and if necessary seek by a vote of the Senate to preclude it from being published in the permanent RECORD. But, Mr. President, as the Senate has ordered it once, and as the Senator from South Carolina feels a personal interest in the matter, I have decided that I would not press a reconsideration.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. I was about to remark that this emphasizes the necessity of our being very careful about giving unanimous consent. I will suggest to the Senator from Utah that my impression is that we could not well reconsider a unanimous consent. The matter is in the RECORD; I think it was unfortunate to have it printed in the RECORD; but I have an impression that it is there to remain.

Mr. SMOOT. I think, of course, that it could be excluded from the permanent RECORD by unanimous consent. But I want to express the thought I expressed before, that such cartoons ought never to be allowed to be printed in the CONGRESSIONAL RECORD. One of the able Senators on the other side expressed himself on the subject by saying that in a hundred years from now somebody perhaps would be looking over the RECORD and run across those cartoons and say: "That was the standard of the United States Senate in the year 1913."

Mr. President, I shall say nothing further about it. The chairman of the Joint Committee on Printing has held up the work on the preparation of the permanent RECORD until the question I raised might be settled. I will give notice to him now that I intend to bring the question no further to the attention of the Senate.

#### ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it be until Monday next at 12 o'clock noon.

The motion was agreed to.

#### ELECTION OF SENATORS.

Mr. POINDEXTER. Mr. President, I should like to inquire whether the Committee on Privileges and Elections has yet made a report upon Senate bill 2800. I see the chairman of the committee is here. I have not been in conference with that Senator to ascertain whether the matter has been reported from the committee or not. I will say in explanation that it is a bill providing an emergency measure for the election of United States Senators.

Mr. KERN. I will say to the Senator that the bill has not yet been reported, but that a meeting of the committee will be held early next week, when I think a report will be made.

Mr. POINDEXTER. I should like to say in this connection, Mr. President, that there might have been some possible reason pending the senatorial election in Maryland for delaying a report, as it might have complicated the situation there, but there can not be any reason whatever for further delay. In a great many States the senatorial elections of next year are now being discussed and preparation is being made for the campaign. Of course there is a great desire in those States to know exactly how the nominations are going to be made and how the elections are going to be held, and there is considerable anxiety as to some action upon the bill.

#### EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 1 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, November 17, 1913, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate November 13, 1913.*

##### MINISTER.

Alexander Sweek, of Oregon, to be envoy extraordinary and minister plenipotentiary of the United States of America to Siam, vice Fred W. Carpenter, resigned.

##### SECRETARIES OF EMBASSIES.

Peter Augustus Jay, of Rhode Island, lately agent and consul general at Cairo, to be secretary of the embassy of the United States of America at Rome, Italy, vice Post Wheeler.

Norval Richardson, of Mississippi, lately secretary of the legation at Copenhagen, to be second secretary of the embassy of



the United States of America at Rome, Italy, vice Alexander Benson.

# ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Manuel Araullo, of the Philippine Islands, vice Victorino Mapa, resigned.

## ASSISTANT SURGEONS, PUBLIC HEALTH SERVICE.

Walter M. Jones to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

William Howard Slaughter to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

James Gayley Townsend to be assistant surgeon in the Public Health Service. Additional assistant surgeon.

## POSTMASTERS.

### ALABAMA.

W. Z. East to be postmaster at Roanoke, Ala., in place of Tyler McE. Swann, removed.

### CALIFORNIA.

Alfred Belieu to be postmaster at Watts, Cal. Office became presidential January 1, 1913.

P. L. Byers to be postmaster at Huntington Park, Cal., in place of John R. Bowler, resigned.

George P. Dobyns to be postmaster at El Monte, Cal., in place of George D. Barron, deceased.

Duncan A. Gray to be postmaster at Soldiers Home, Cal., in place of H. C. Hollenbeck, resigned.

J. W. Heard to be postmaster at Oilcenter, Cal., in place of J. S. Rees, removed.

Milton M. Pilkenton to be postmaster at Hermosa Beach, Cal. Office became presidential October 1, 1913.

William J. Simms to be postmaster at Gardena, Cal., in place of Alonzo F. Ham, resigned.

### COLORADO.

A. T. Manzanares to be postmaster at Walsenburg, Colo., in place of E. L. Trounstone, removed.

J. U. Vigil to be postmaster at Trinidad, Colo., in place of D. D. Finch, resigned.

### FLORIDA.

Harry Gray to be postmaster at Palatka, Fla., in place of Dick M. Kirby, resigned.

Guy I. Metcalf to be postmaster at West Palm Beach, Fla., in place of J. Paul Clarke, resigned.

### GEORGIA.

James E. Harvey to be postmaster at Tallulah Falls, Ga., in place of James P. Stewart, resigned.

### ILLINOIS.

Frank Allen to be postmaster at Oglesby, Ill., in place of Andrew M. Corbus, resigned.

John R. Barclay to be postmaster at Rutland, Ill. Office became presidential January 1, 1913.

M. M. Brown to be postmaster at Bunker Hill, Ill., in place of William P. Dickie, removed.

Edward M. Dieter to be postmaster at Naperville, Ill., in place of R. N. Givler, resigned.

Joseph S. Grimes to be postmaster at National Stock Yards, Ill., in place of E. S. Coddington, removed.

Edward Johnston to be postmaster at Atkinson, Ill., in place of John Straley, resigned.

P. H. Mulligan to be postmaster at Tolono, Ill., in place of A. B. Campbell, resigned.

M. S. Yoho to be postmaster at Roseville, Ill., in place of James W. Prouty, removed.

### INDIANA.

Frank S. Coffin to be postmaster at Bloomingdale, Ind., in place of Thomas B. Woody, resigned.

### IOWA.

N. C. Butler to be postmaster at West Branch, Iowa, in place of C. H. Wickersham, removed.

Jay Sullivan to be postmaster at Fontanelle, Iowa, in place of W. H. McClure, removed.

### KANSAS.

Elliott S. Irvin to be postmaster at Coffeyville, Kans., in place of Joseph McCreary, removed.

### LOUISIANA.

E. L. Chaney to be postmaster at Jeanerette, La., in place of G. W. Whitworth, deceased.

Joseph Lamar Stagg to be postmaster at Eunice, La., in place of Theodore Tate, resigned.

Thomas D. Kent to be postmaster at Thibodaux, La., in place of A. A. Boudreaux, resigned.

### MARYLAND.

Harry O. DeVries to be postmaster at Ellicott City, Md., in place of C. H. Oldfield, removed.

J. R. Duke to be postmaster at Leonardtown, Md. Office became presidential July 1, 1913.

### MASSACHUSETTS.

William J. Campbell to be postmaster at East Taunton, Mass. Office became presidential October 1, 1913.

### MICHIGAN.

Herbert E. Iveson to be postmaster at Addison, Mich., in place of Oren B. Bowen, resigned.

### MISSOURI.

William D. Meeks to be postmaster at Thayer, Mo., in place of John W. Smith, resigned.

### MONTANA.

I. A. Oakes to be postmaster at Plentywood, Mont., in place of George E. Bolster, removed.

### NEBRASKA.

J. C. Voline to be postmaster at South Auburn, Nebr., in place of M. Scott, deceased.

### NEVADA.

W. C. Ruddell, jr., to be postmaster at Lovelocks, Nev., in place of J. H. McCracken, resigned.

H. A. N. Todd to be postmaster at Gardnerville, Nev. Office became presidential October 1, 1913.

### NEW HAMPSHIRE.

Frank P. Woodbury to be postmaster at Salem Depot, N. H. Office became presidential October 1, 1913.

### NEW YORK.

Elizabeth Hollenbeck to be postmaster at Harriman, N. Y. Office became presidential October 1, 1912.

John F. Ryan to be postmaster at Batavia, N. Y., in place of George E. Perrin, removed.

James C. Spalding to be postmaster at Great Neck, N. Y., in place of Austin Hicks, resigned.

E. J. Sweeney to be postmaster at East Islip, N. Y. Office became presidential October 1, 1913.

### NORTH DAKOTA.

William F. Kempshall to be postmaster at Taylor, N. Dak., in place of J. F. Christen, resigned.

### OREGON.

Bernhard L. Hagemann to be postmaster at Milwaukie (late Milwaukie), Oreg., in place of R. W. Ganiard, removed, and to change name of office.

### SOUTH CAROLINA.

A. C. Thompson to be postmaster at Conway, S. C., in place of Allen T. Collins, resigned.

### TEXAS.

T. J. Abell to be postmaster at Wharton, Tex., in place of Covey M. Hughes, removed.

### VIRGINIA.

John S. Scott to be postmaster at Parksley, Va. Office became presidential October 1, 1911.

### WASHINGTON.

Frank C. Willey to be postmaster at Shelton, Wash., in place of Grant C. Angle, resigned.

### WISCONSIN.

Edward Porter to be postmaster at Cornell, Wis. Office became presidential October 1, 1913.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate November 13, 1913.*

### COLLECTOR OF CUSTOMS.

Dudley Field Malone to be collector of customs for the district of New York.

### SOLICITOR OF INTERNAL REVENUE.

Ellis C. Johnson to be solicitor of internal revenue.

### GENERAL APPRAISER OF MERCHANDISE.

George Stewart Brown to be general appraiser of merchandise.

### ASSISTANT APPRAISER OF MERCHANDISE.

Francis X. Quigley to be assistant appraiser of merchandise in the district of Massachusetts.

## COLLECTOR OF CUSTOMS.

Charles E. Hardy to be collector of customs for the district of Arizona.

## ASSISTANT COMMISSIONER OF PATENTS.

James T. Newton to be Assistant Commissioner of Patents.

## APPOINTMENTS IN THE ARMY.

## GENERAL OFFICERS.

Col. Eli D. Hoyle to be brigadier general.  
Col. Charles J. Bailey to be brigadier general.

## POSTMASTERS.

## ALABAMA.

John E. Delony, Tusculumbia.  
W. Z. East, Roanoke.  
W. K. Kenan, Geneva.

## MASSACHUSETTS.

Richard F. Burke, Williamsburg.  
James J. O'Donnell, Holyoke.  
George F. Snow, Orleans.

## MONTANA.

T. C. Armitage, Billings.  
William Krofft, Choteau (late Chouteau).

## PENNSYLVANIA.

James W. Taylor, Dallastown.

## VERMONT.

Daniel F. Carmody, Fair Haven.

## WYOMING.

John T. Jones, Worland.

## HOUSE OF REPRESENTATIVES.

THURSDAY, November 13, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite spirit, our heavenly Father, we thank Thee for that strange, mysterious, subtle quality of soul we call love, which suffereth long and is kind, envieth not, vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil, which binds us together into families, friendships, and nations. Increase, we beseech Thee, its potency and influence, till the whole world as one great family shall worship Thee in spirit and in truth, that Thy kingdom may come and Thy will be done on earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

## FOREIGN AND DOMESTIC COMMERCE.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of foreign and domestic commerce and to make certain insertions.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

## CORPORAL PUNISHMENT IN DELAWARE.

Mr. BROCKSON. Mr. Speaker, on yesterday, by unanimous consent, I was granted leave to address the House to-day upon the subject of corporal punishment in Delaware, and to make reply to certain statements in a resolution introduced by the gentleman from Montana [Mr. EVANS]. The statements contained in the preamble of that resolution are false.

Delaware did not inflict cruel and unusual punishment upon the two men therein mentioned, and does not inflict cruel and unusual punishment upon anyone. I find that in order to discuss the question of corporal punishment it will take much more than the 10 minutes that I was granted. I therefore ask unanimous consent that to-morrow I may be permitted to address the House for one hour upon the subject of corporal punishment in Delaware, the speech to be made immediately after the reading of the Journal.

The SPEAKER. The gentleman from Delaware asks unanimous consent that to-morrow, immediately after the reading of the Journal and the transaction of routine business, he be permitted to address the House for one hour upon the subject of corporal punishment in the State of Delaware. Is there objection?

There was no objection.

## NAVAL HOLIDAY.

The SPEAKER. The gentleman from Missouri [Mr. HENSLEY] is recognized for one hour. [Applause.]

Mr. HENSLEY. Mr. Speaker and gentlemen of the House, I was very much gratified by the display of interest manifested on both sides of the House when a few days ago I submitted to Congress a resolution which I now desire to read:

House resolution 298.

*Resolved*, That in the opinion of the House of Representatives the declaration of the Lord of the Admiralty of Great Britain, the Right Hon. Winston Churchill, that the Government of the United Kingdom is willing and ready to cooperate with other governments to secure for one year a suspension of naval construction programs offers the means of immediately lessening the enormous burdens of the people and avoiding the waste of investment in war material.

That a copy of this resolution be furnished the President, with the request that, so far as he can do so, having due regard for the interests of the United States, he use his influence to consummate the agreement suggested by the Right Hon. Winston Churchill.

I appreciate the many things said in support of this resolution by the distinguished Speaker of the House, and also by the other distinguished gentlemen who spoke briefly but clearly upon the subject. The gentleman from Illinois [Mr. MANN], the minority leader, was cordial in his support of the resolution, as were also the gentleman from Texas [Mr. SLAYDEN], the gentleman from Illinois [Mr. FOWLER], and the gentleman from Mississippi [Mr. Sisson].

If Congress passes this resolution, as I truly hope and believe it will, it means that we recognize the wisdom of the proposal made by the Right Hon. Winston Churchill, the First Lord of the Admiralty of Great Britain, to take a naval holiday for one year; that we believe he is acting in good faith, with a high sense of duty, and for the good of humanity; that we believe the proposition is practicable and feasible; that it is based upon common sense and common honesty among nations; and that we are now ready to join the other great nations of the world in a compact, in an understanding, whereby we may take a naval holiday for one year's time, thereby saving hundreds of millions of money, to be used for purposes more beneficial to mankind.

If the suspicion and distrust which prompt the present huge armaments, with their galling financial burdens, are justified by the facts, then civilization is a thin veneer and we are still savages at heart. But it is easier to believe that this is unjustified, and that if we would be governed by our judgment rather than by our fears, show some sincerity ourselves, the tension would be relieved and the armament question would solve itself. Mr. Jefferson said:

War is not the best engine for us to resort to. Nature has given us one in our commerce, which, if properly managed, will be a better instrument for obliging the interested nations of Europe to treat us with justice.

Now let us consult Mr. Churchill and ascertain what his position is on this important subject. In a great speech made at Manchester, England, only last month, he said, among other things—

That the trusted liberal supporters were becoming disquieted in their minds about the expense we are being put to by naval armaments.

In that connection he explains that they are forced to spend more than one-third of the national revenue of Great Britain upon armaments. He said:

That expense has markedly advanced of late years, and it is now higher than the highest point it has ever reached. Next year it will be higher still.

I am sure this is true; and what applies to Great Britain applies with equal force and effect to this and every other nation of the world, for I can take the record and show you that in something like 12 years, beginning 1897, we increased the appropriations for the Navy Department of this Government from approximately \$30,000,000 to something over \$130,000,000. The question therefore arises in my mind and must occur to you, When are we going to reach the end? How long shall we continue making increases at the rate of \$10,000,000, \$20,000,000, and \$30,000,000 per year for one department of our Government? No wonder the total of the appropriations of our Government has reached the enormous sum of over one thousand millions of dollars. And continuing, Mr. Churchill argues "that this is not borne, to any great extent, by the laboring people of that country." That is because of the income tax, as I see it.

Mr. Speaker, I was heartily in favor of the income-tax law recently enacted by Congress, because I believed then, as I believe now, that the wealth of the country should be compelled to respond to the needs of government by bearing the proper tax burden, with a corresponding relief to others. I believe that when this law becomes thoroughly engrained upon our system of government we will find these individuals "sitting up and taking notice," as the expression goes, when we increase



their tax burdens by great appropriations to meet the demands of those who now insist upon large increases annually for armaments. They will be inquiring of their Representatives in Congress. Why the need for these tremendous increases? I therefore, Mr. Speaker, was and am an enthusiastic supporter of the income tax.

Further on in his speech Mr. Churchill says:

We seemed to have reached a point when the relations of the great powers to each other, however intimate, however amicable they may become, produce no effect on warlike preparations. Italy and Austria, although they are allied, bound together by a solemn instrument for the purpose of defense and offense, are, in fact, according to all information available, likely to embark on large new naval programs balanced against each other.

He says:

That each of these countries will build three or four enormous ships, costing perhaps £10,000,000 of money to each country, and this, in turn, will probably force France to make a further large increase and to a certain extent this would require Great Britain to respond with some additions. None of them will have gained any advantage over the other, but all will have suffered the prodigious drain of wealth which can ill be spared.

Again, he says:

The fact that the triple alliance was building no ships would make it possible without the slightest danger or risk for the other three great European powers to do the same. Does it not seem likely that if such a great event, such a glorious and memorable event, ever came to pass it would produce an effect upon the naval construction of the United States, and that, again, would produce its repercussion upon the naval policy of Japan?

I can not understand how anyone can doubt this.

Mr. Speaker, let us not be a laggard in this great movement, which means so much to our people, which means so much to mankind the world over, and which means so much to generations yet unborn. Let us send a ringing reply to Great Britain and to the other nations of the world which can not be doubted or misunderstood that we, with fondest hopes, with absolute trust, seize this golden opportunity to put into force and effect the greatest reform of the age [applause], not only to the present generation, not only to mankind the world over, but also render a Christian service to generations yet unborn. [Applause.] The time is propitious beyond doubt. For it is my opinion, when this understanding or agreement has been entered into by and between these great powers, when we see the consummation of this plan to take a naval holiday for the space of one year, it will sound the death knell to reckless, wanton, nonsensical, and almost criminal waste of the people's money in the way of appropriations of this character. What more does Mr. Churchill say?

And so at the end of a year you might have all these great countries just as safe and just as strong as they will be if they build all the ships they have in mind at the present time, and a vast treasure of many millions, of scores of millions, will have been arrested for the progress and enlightenment of mankind. That is the proposal which I make for the year 1914, or if it is thought that 1914 is too near, then for 1915. I am quite impervious to the objections which will no doubt be raised by the great armament firms in this and other countries. They must be the servants and not the masters.

At that point the Englishmen cheered. So you see, Mr. Speaker, the First Lord of the Admiralty of Great Britain is "onto his job," as the boys express it. He is not unmindful of the fact that there are tremendous influences behind the armament proposition, there as elsewhere, and that they will be marshaled against the furtherance of this plan. He realizes that this influence will be employed in every way that powerful interested persons can devise; that strong individuals, ingenious individuals, will try to prevent the consummation of this glorious thought put forward by him on some two or three occasions. He realizes that we have reached a point in the history of nations where "patriotism" and "public safety" are mere catchwords, "sounding brass or tinkling cymbals," which are invoked periodically by vested interests in their desperation in carrying out their planned system that is sapping the very lifeblood of the nations. Oh patriotism! patriotism! how long will this sacred term be employed to further the interests of the selfish? In this connection I desire to submit some figures showing to just what extent the nations of the world have yielded to these influences within the past 12 years:

Naval expenditures of different European countries and the United States in 1900 and 1912.

|                    | 1900          | 1912          | Increase.    |
|--------------------|---------------|---------------|--------------|
| Great Britain..... | \$145,792,850 | \$228,430,064 | \$82,637,214 |
| Germany.....       | 37,173,074    | 110,715,043   | 73,541,969   |
| France.....        | 72,683,180    | 89,028,626    | 16,345,446   |
| Russia.....        | 42,101,212    | 109,515,000   | 67,413,788   |
| Italy.....         | 28,829,206    | 41,893,420    | 13,064,214   |
| Japan.....         | 21,373,954    | 46,158,216    | 24,884,262   |
| United States..... | 61,721,695    | 123,151,539   | 61,429,844   |

Our item of expense does not include certain other expenditures for 1912, which makes the aggregate over \$140,000,000.

Naval expenditures in 1898 and 1910.

|                    | 1898            | 1910             |
|--------------------|-----------------|------------------|
| United States..... | \$33,003,234.19 | \$136,935,199.05 |

So you see that, aside from the enormous sums which go to the Army, if we continue increasing our appropriations it will not be long until we, too, will be appropriating more than one-third of the total revenue for huge armaments.

Now let us continue. Mr. Churchill says:

That no doubt there are many in both countries that will pour ridicule upon the proposal which I make. They will try to involve it in clouds of suspicion and suggest that there is some trick lurking behind what looks like a fair offer, and who will blame me in unstinted terms for having referred to such subjects at all. Let them mock.

So you see he has this subject well in hand, his heart is right, and he has employed his great talent in an effort to serve mankind. We have influences to contend with here, but they are nothing, I take it, in comparison with the influences which will be marshaled against this movement in the older countries of the world. These influences are powerful enough here, God knows; but my information upon the subject is to the effect that the Krupp interests of Germany, to a very large extent, control the press of that country, and that they, together with other powerful interested individuals, form a combination which will require a great struggle on the part of the people to rid themselves of the octopus. But the latest dispatches from Germany indicate that the people are taking a hand in these matters and that some of the persons mixed up in the scandals are being prosecuted and convicted. So you can see that the people are in earnest in Germany, and that while these interests are against this proposition the people are in favor of a naval holiday. The people who have the burden to carry are strong in support of this movement. Why should they not be when it is said that every producer of wealth, let him be farmer, laborer, or whatnot, has fastened upon him the expense and burden of keeping up a soldier? In other words, "each taxpayer carries on his back a military gentleman." Mr. Churchill said that these powerful interests opposed to this proposition are the servants and not the masters. Now let me ask you, Have you at any time observed actions on the part of representatives of certain departments of our Government which indicated that they believed the department was the master and the Nation the servant? Have you? I say to you that these departments, however much some individuals may think they are masters, are not. They are the servants, and the millions of taxpayers of this land who constitute this Nation, who produce the wealth, who pay the taxes, who fight its battles, are the masters.

Let me relate to you a story which I heard only a few days ago, and it came from a gentleman very close to the Navy Department. He said that some few years ago an ex-Secretary of the Navy was at one of the hotels here in Washington conversing with several friends, his relations as Secretary having been severed only a few days previous to this. The distinguished gentleman looked somewhat dejected and cast down, and in the course of the conversation he straightened up and uttered an oath, declaring that he had seen times when he felt like tearing loose from the influences which surrounded him as Secretary and asserting his opinion as to what should be done in the way of bringing about reforms in the department and no longer be controlled by those who surrounded him; but he concluded "that had I done this, I would have come out second best in the mêlée." Tell me that these influences do not exist here. I submit this in all candor for what it may be worth to others who may follow in this high position.

Last year when the naval appropriation bill was pending I called the attention of Congress to the existence of the naval league and its activities. Among other things I pointed out to Members on both sides of the House, because there is no political division on this question, that J. P. Morgan, jr., was treasurer of this association. My attention has recently been called to the fact that, on account of this publicity quite likely, he is no longer an officer of the league. Now, what is the navy league and for what purpose was it created? I am advised that it is sending retired naval officers all over the country to make speeches before boards of trade and other business associations for the purpose of creating and fostering a stronger sentiment in favor of increased armaments, better preparedness as they put it. And yet will you say that they are not attempting to be masters? How many times have Members of Congress, especially Members of the Naval Affairs Committee, the chairman not excepted, been put up against embarrassing situations in this connection by being lectured and rallied at by individuals interested directly in naval appropriations? These things are not secrets. I am not violating any confidence or

betraying a trust when I call your attention to these performances.

Why, Mr. Chief Justice Brewer in his last days spoke out against this situation; he felt it then as we feel it now, removed even though he was by reason of his high position. Some of them go so far as to tell us to what extent we should increase the appropriations. They are so numerous here in this great city when the society season is on that you can not throw a stone without endangering a naval man or a military gentleman, retired or otherwise. What did Mr. Chief Justice Brewer say about them and "preparedness"? He said:

The maintenance of 700 and more military and naval officers, active and retired, now living with their families in Washington, these, connected as they are with the military and naval forces, are gradually transforming the Capital of the country into a military and naval center, and their influence is constantly pressing upon Congress for continued development and increased expenditures in military and naval lines.

He would never have spoken out in such unmistakable terms if he had not felt it were absolutely necessary. The fathers of our country warned us against this very situation which he now tells us exists. He was criticized as Mr. Churchill has been criticized, and as I have been and will be criticized. Let them mock! They and their kind have always been present. These influences have had little to do with founding this Government or preserving our liberties. They have been and are vampires upon the body politic. They are a menace instead of a support to our Government.

Mr. Speaker, in this connection I desire to read the following, which indicates the reason these influences advocate war and large armaments:

#### THE GOD OF WAR.

"To safeguard peace, we must prepare for war." I know that maxim; it was forged in hell.

This wealth of ships and guns inflames the vulgar and makes the very war it guards against.

The God of War is now a man of business, with vested interests.

That is the proposition. [Applause.]

If I have read the history of my country aright, if I know anything about the doctrine preached by the fathers of our country with reference to the baneful effects to follow when the military reaches the ascendancy, I am warranted in saying that it will be a sad day for this Republic when the heads of these departments are permitted to lay down the policy of this country in time of peace. I am not depreciating them, we need them; but they are the servants, not the masters. The country does not exist for the glory of the departments, but rather the departments exist for the glory of the country. [Applause.] They understand the technique of war and all that, but we would not risk them in telling us how large the machine should be, for you may search history in vain to find an instance when they have not clamored for more power. The shame of it all, when they must know that away back in some remote section of the country, perhaps, is a fellow citizen who can not come to Washington, see and logroll with Members of Congress upon these questions, but who, in the language of the Good Book, "is eating his bread in the sweat of his face," and in addition is producing the breadstuff that feeds us all; but it is our duty to be ever mindful of his interest, whether he comes here or not. They insist upon being prepared. Preparedness is the way they express it. I have witnessed many a sad scene in the court rooms of the country where the near and dear ones of a poor unfortunate individual who was on trial for crime were grieved and heartbroken because of the prisoner's plight, all due to the fact that he had previously been in a state of "preparedness." I have seen too many tragedies of this kind, where my heart has gone out to the poor unfortunate ones, for me to advocate a "state of preparedness" upon the part of individuals; and I say to you, my friends, that what is true of individuals is true of nations, for what are communities and nations but the sum total of many individuals? They argue that all this is for the glory of the country; that it is patriotism that prompts it. I resent the imputation that one class of citizens are more patriotic than another class. I say, I believe, Mr. Speaker, it requires as much patriotism and love for country, as much courage and genuine manhood, for one to be a good citizen every day of the year and throughout life, to safeguard our liberties and to vouchsafe those liberties to those who will soon follow us, as it does to shoulder a musket and go out along the firing line—

Mr. GEORGE. More.

Mr. HENSLEY. Especially when the latter is a professional and the former a patient, uncomplaining producer of wealth, and, in addition, stands ready to respond at any time when his country calls him to arms. [Applause.] We can never gratify the greed and avarice of these individuals; neither is it our duty to satisfy them. We can not hope by legislation to gratify the wild-eyed extravagance of those who measure all

political wisdom by the magnitude of the fund to be squandered. It is a great big yawning, gaping chasm, which can never be filled. The more you pour into it the larger it gets, the stronger and more insolent and impudent it becomes when it returns for more money. Why the need of all this? Is it for the purpose of having us rely upon our armaments, our Navy and our military strength, for peace and security among nations, instead of relying upon those God-given traits and graces that distinguish men from the brute generation? As the Speaker has so well put it, our Nation has been equal to every emergency from its infancy on down through its whole history to this good day. From the time it was in its swaddling clothes, only a handful of people, with no wealth to speak of, excepting the untouched resources of this great country, we have held our own and have gotten along nicely; and now when we are nearly 100,000,000 strong, men of patriotism and love for country, with our billions of wealth, we appear to be alarmed and want to continue arming ourselves for wars—wars such as a few fevered-minded individuals, who appear to be obsessed upon this question, imagine they can see down the long vista of the ever-uncertain future. Our people do not feel that way. We do not want strife with people individually or collectively. Let me know the traits and dispositions of a people, and I will come pretty near knowing what the nation stands for. Some there are who contend that preparedness and the ability to exercise force is calculated to protect or ward off danger. I say it provokes, it aggravates, it incites difficulty. Listen: let me tell you something. I can start out of this Hall of Congress with a brace of pistols upon me, with an exaggerated idea of my rights because I have the weapons, and I can go down the streets of this city and into the places of business and in dealing with the people insist upon everybody respecting my rights according to my views of what my rights are, based upon the weapons I have in my pockets, and I say to you I will have serious difficulty within 30 minutes. In my district two of my friends, one a doctor and the other a farmer and a stockman, both big, handsome, courageous fellows, became involved in a difficulty. The stockman called at the drug store to see the doctor. There were a few verbal exchanges when they locked horns, and it was like two big bald-faced steers fighting. Not only were vials of wrath uncorked, but vials of medicine were broken and scattered all over the storeroom, when finally something threw them apart, and the doctor, afterwards telling me the story, said: "Fortunately I thought of that glorious scripture which says, 'A soft word turneth away wrath,' so I said, 'Why this foolishness? Let us talk it over. So we sat down and talked it over, and no harm came of it.'"

Mr. SIMS. If they had been in a state of preparedness—

Mr. HENSLEY. Yes; as my friend from Tennessee says, if they had been in a state of preparedness one or both would have been killed. Now, then, in this connection I want to ask you in all candor whether or not you have contemplated just what the history of this country would have been if the battleship *Maine* had not been lying in the harbor of Habana on that awful, that eventful night, the 15th of February, 1898. I know just what transpired here in Congress. We might have had a war with Spain, but I think it is quite doubtful. But the battleship was there instead of elsewhere, and as a result we have paid out hundreds of millions of money; nor, gentlemen, is that all. You saw the sad procession that wended its way down Pennsylvania Avenue carrying the remains of the heroes of the *Maine* over to Arlington, where the last sad rites were said. Many an American boy kissed his mother and his sister good-by and shouldered a musket to fight for his country, as was his duty. Many boys there were who never saw their loved ones again; and we have the Philippines with us to boot, which we find hard to get rid of. The nearest I can get at it that war cost over \$360,000,000, with the loss of over 10,000 citizens, all told. You know how I feel about that. I would not sacrifice the life of one manly, honest, patriotic Missouri boy for the whole archipelago [applause], much less sacrifice thousands of our citizens, unless it were necessary to protect our liberty, or for some other vital reason. I would say, let us insist upon our rights, but let us not have an exaggerated idea as to what our rights are in the premises, based upon the fact that we have a brace of pistols upon us. Let me further direct your attention and point out definitely some things that are very interesting and are certainly apropos to this discussion, and present a plan by which war may be avoided. I called up the State Department a few days ago, and at my request the office very kindly furnished me a document which contains all the papers concerning the disarmament of the Great Lakes. I desire to submit portions of these documents to you.

In response to the House resolution bearing date of January 15, 1900, requesting information in regard to the status of the agreement said to prohibit the building, arming, or maintaining



of more than a single war vessel on the Great Lakes, the then President replied as follows:

*To the House of Representatives:*

In response to the resolution of the House of Representatives of January 15, 1900, requesting information in regard to the status of the agreement between the United States and Great Britain said to prohibit the building, arming, or maintaining of more than a single war vessel on the Great Lakes and all data bearing upon the subject in the possession of the Department of State, I transmit herewith a report of the Secretary of State and accompanying papers, giving all the information existing in that department in regard to the arrangement as to the naval force to be respectively maintained on the American lakes, concluded at Washington April 28-29, 1817.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 27, 1900.

I find that about the first thing bearing on this proposition, or the first reference to the matter, appears to have been under date of August 29, 1815, when Mr. John Quincy Adams, who was the minister to Great Britain under President Jefferson's administration, transmitted to the State Department some British newspapers in which it was announced that His Majesty's cabinet had determined not only to maintain but to augment its armed naval force on the Great Lakes. Mr. Monroe, Secretary of State, thereupon proposed in an instrument addressed to Mr. Adams, dated November 16, 1815, a mutual restriction of the naval force to be maintained on the Lakes by both parties, which I read, as follows:

[Mr. Monroe to Mr. Adams, November 16, 1815.]

The information you give of orders having been issued by the British Government to increase its naval force on the Lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose. It is evident, if each party augments its force there, with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which it is presumed is equally to be deprecated by both Governments. He therefore authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the Lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it, on each side, to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter.

In a conference with Lord Castlereagh, on January 25, 1816, Mr. Adams submitted a proposal and briefly mentioned having done so in his dispatch written to Mr. Monroe on January 31, 1816, in which he said:

[Mr. Adams to Mr. Monroe, January 31, 1816.]

With regard to the other topics embraced in the conference, I can only now state in a summary manner that I think the proposal for mutually disarming on the lakes of Canada, which I made conformably to your instructions, will not be accepted.

I find in these notes which were exchanged between the two countries, and I shall not take the time to read them all, excepting those matters which have a direct bearing on this proposition, the representative of Great Britain, in discussing all phases of the proposition concerning the disarmament of the Lakes, seemed to be very apprehensive about the increased military power of the United States. This is shown by a letter from Mr. Adams to Mr. Monroe, dated February 8, 1816, as follows:

He said that just before the conclusion of the peace Great Britain had been under the necessity of making extraordinary exertions and to build a number of new vessels upon the Lakes to enable her to maintain her footing there; and when I remarked that this was not what had drawn the animadversion of the American Government, but the new armaments—vessels of war begun and built since the peace—he replied that we had so much the advantage over them there by our position that a mutual stipulation against arming, during the peace, would be unequal and disadvantageous in its operation to Great Britain. For as the hands of both parties would, by such an engagement, be tied until war should have commenced, the Americans by their proximity would be able to prepare armaments for attacks much sooner than those of the British could be prepared for defense. I urged that as at all events the state of the armaments during peace, on one side, must be the measure of those on the other, this advantage of proximity must be nearly the same whether they are great or small; that the agreement to forbear arming in time of peace would rather diminish than add to it, and that a war could not break out, on the part of the United States, suddenly or without such a previous state of the relations between the two nations as would give the British Government warning to be prepared for the event and to take such measures as might enable them to arm on the Lakes when the war commenced quite as rapidly and effectually as the United States could do on their side. But although Lord Castlereagh promised to submit the proposal to the cabinet, his own disinclination to accede to it was so strongly marked that I can not flatter myself it will be accepted. The utmost that they may be induced to consent to may be an arrangement to limit the force which either party shall keep in actual service upon the Lakes.

Do you see what it means? It means balancing one navy against the other. In another letter, which was from Mr. Adams to the representative of the British Government, dated March 21, 1816, I find the following language:

The increase of naval armaments on one side upon the Lakes, during peace, will necessitate the like increase on the other, and besides causing an aggravation of useless expense to both parties must operate

as a continual stimulus of suspicion and of ill will upon the inhabitants and local authorities of the borders against those of their neighbors. The moral and political tendency of such a system must be to war and not to peace. The American Government proposes mutually to reduce, to the same extent, all naval armaments upon those Lakes. The degree to which they shall be reduced is left at the option of Great Britain.

See the disposition on the part of the United States Government at that time, ready to leave the question to Great Britain to what extent they should disarm. In another letter from Mr. Adams to Mr. Monroe, dated March 30, 1816, he said:

You may, however, consider it as certain that the proposal to disarm upon the Lakes will not be accepted. In all the debates in Parliament upon what they call their military and naval peace establishment the prospect of a new war with the United States has been distinctly held up by the ministers and admitted by the opposition as a solid reason for enormous and unparalleled expenditure and preparation in Canada and Nova Scotia.

Gentlemen, you see what influences were at work. Up to that time our representatives had received no encouragement. These influences were pressing then, as they are pressing now; the jingoes were there, as they are here; but the representatives of our Government were not impatient, they were determined to serve the people of this country, so they kept insisting upon this proposition. Several letters having passed between the two contracting parties in the interim, I find one letter, dated August 2, 1816, from Mr. Monroe to Mr. Bagot, as follows:

I have the honor to state that the President is willing, in the spirit of the peace which so happily exists between the two Nations and until the proposed arrangement shall be canceled in the manner hereinafter suggested, to confine the naval force to be maintained on the Lakes on each side to the following vessels—that is, on Lake Ontario one vessel not exceeding 110 tons burden and one 18-pound cannon, and on the upper Lakes to two vessels of like burden and force, and on the waters of Lake Champlain to one vessel not exceeding the like burden and force; and that all other armed vessels on those Lakes shall be forthwith dismantled; and likewise that neither party shall build or arm any other vessel on the shores of those Lakes.

Now, my friends, I go over here to where I find the absolute acceptance of the proposition laid down by the President of the United States. Great Britain at that time had on the Lakes, all told, 74 boats, because, as you recall, that was very shortly after the war between the two countries—

Mr. GEORGE. Men-of-war?

Mr. HENSLEY. Yes; armed boats, some better than others, as they are to-day, because when you build a new boat according to modern methods, to a large extent you relegate the others. So out of 74 boats they had there they dismantled 70. Now I want to go a little further—

Mr. BARTHOLDT. Give us the exact terms of the treaty.

Mr. HENSLEY. I will say to my colleague this has the effect of a treaty, or convention, as they call it.

Mr. MANN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HENSLEY. To my colleague.

Mr. BARTHOLDT. There is an agreement in writing between the two Governments on that question, but the language which my colleague has quoted from the letter of Secretary of State Monroe is about the same as that agreement.

Mr. HENSLEY. I will say to my colleague that I thought this was sufficient to show the character of the agreement that had been entered into by the two high contracting parties.

Mr. BARTHOLDT. If the gentleman will permit, I will call attention to the fact that a few years ago I printed that agreement in the RECORD.

Mr. HENSLEY. Yes; I am aware that there may be seen in the archives of the State Department the original copy of the treaty, and I will have it printed in this connection. It is as follows:

1. The naval forces henceforth to be maintained upon the Great Lakes shall be confined to the following vessels on each side:

2. On Lake Ontario, one vessel not to exceed 100 tons burden, carrying not more than 20 men and one 18-pound cannon.

3. On the upper lakes, two vessels of same burden and armed in a like way.

4. On Lake Champlain, one vessel of like size and armament.

5. All other armed vessels to be at once dismantled, and no other vessel of war should be built or armed along the St. Lawrence River or on the Great Lakes.

Mr. MANN. Will the gentleman yield?

Mr. HENSLEY. I do.

Mr. MANN. I was under the impression the so-called convention was in the document which the gentleman has in his hand, the temporary arrangement entered into between the two Governments, the spirit of which has been observed ever since, though the language has not been literally observed, but by mutual understanding we have been able to keep peace on the northern border and armed vessels, in the main, off the Lakes.

Mr. HENSLEY. I thank the gentleman from Illinois for the suggestion, and I will say in that connection that I find that the President of the United States, Mr. Monroe, who had suc-

ceeded Mr. Jefferson, published to the world the agreement. The document from which I have just read does not contain the exact language, although it means practically the same.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that my colleague may be permitted to conclude his remarks.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that his colleague [Mr. HENSLEY] be permitted to conclude his remarks. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object; but how much more time does the gentleman desire?

Mr. HENSLEY. I think only a few minutes.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. HENSLEY. Mr. Speaker, I thank my colleague [Mr. LLOYD] and the House. Now, there were some few disturbances upon the Lakes occasioned by pirates and Indians, and so on, which on several occasions necessitated the exchange of notes between the representatives of the two nations. The relations were somewhat strained, but they never reached the breaking point at any time. Now, in order that you may understand and appreciate to what extent attempts were made to put armed vessels upon the Lakes, I desire to read from the proceedings of the Senate, August 3, 1841, when Senator Allen, of Ohio, "moved an amendment to the fortification bill for the construction or armament of steamers or other vessels for defense on the northwestern lakes. This proposition was debated at some length on the day of its introduction and on the following day. Mr. Allen explained that he had not offered it with a view to benefit any particular section of the country, but that, having understood the British had two armed steamers on Lake Erie, he 'thought armed steamers were necessary to watch armed steamers.'"

Senator Allen's reasoning was clear and logical. Beyond any doubt it requires armed steamers to watch armed steamers. A great deal of significance is attached to that brief statement, because there is not a nation to-day that has armaments that does not balance her armaments against the armaments of other nations; and this, no doubt, is the very thought that occurred to Mr. Churchill. That is the point that I am trying to impress upon you. If I have a pistol in my pocket and you have one in yours, we are on the same footing; I buy another and you buy another, our positions are relatively unchanged.

Well, the appropriation was made, and so I find this in the document:

Soon after the passage of the fortification act of 1841, and in execution of the authority therein given to the President to build and equip war vessels on the Lakes, the Secretary of the Navy initiated steps for the construction of an iron steamer for service on the upper Lakes, and during the next two years there was constructed at Pittsburgh the side-wheel bark *Michigan*, which was removed in sections to Erie and there completed and floated in the summer of 1844.

Then it goes on to give her dimensions, and says:

This drew forth a remonstrance from the British Government.

The British Government registered a protest against this, because they believed it was an infringement upon the understanding that existed between the two Governments, so the representatives got together and discussed the whole situation and no harm grew out of it.

But I find that when this Nation was involved in the great War between the States, the Government of the United States seemed to think, whether justifiable or not I do not know, that the British Government was showing some favoritism toward the Southern States. The Secretary of State, Mr. Seward, took the matter up and protested against the things that seemed to be violative of the laws that govern nations, and it went on until finally formal notice was served upon Great Britain to abrogate this understanding, which notice was dated October 24, 1864. The British Government was so well pleased with the agreement that had existed between the two countries that her representative protested against the abrogation of it, and in this connection I desire to read a few lines from a letter from Lord Russell to Lord Lyons, under date of November 26, 1864, as follows:

It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the Lakes. It is certainly true that while both nations are disarmed on the Lakes marauders or depredators may destroy or capture unarmed vessels belonging to either party. Her Majesty will, of course, be at liberty also to increase her naval force on the Lakes at the expiration of the six months after notice if she should think fit to do so, but it is hoped that when peace is restored the former agreement, which was formed upon just and wise considerations, may be renewed as one that must be advantageous to both parties.

So you see they were anxious that the peace that had characterized the countries should continue.

In the naval act of May 4, 1898, a gunboat was authorized to be built on the Great Lakes to replace an old and obsolete one. Its construction was delayed from time to time, until finally Congress abandoned the building of it, due to the fact that this country did not desire to do anything which might be misunderstood by Great Britain; and Congress, in the naval act of August 22, 1912, authorized the reappropriation of the funds, and a gunboat is about completed for use in Chinese waters instead of upon the Lakes. Even the training of the Naval Militia has not been permitted upon the Great Lakes, so jealous have our officials been of the rights of the parties in connection with the treaty.

So we find that nearly 100 years has now elapsed and these people, British citizens upon the one side of the line and American citizens upon the other, dwelling in absolute peace and harmony, as brothers should, while on the other side, with thousands of miles of ocean separating this country from Great Britain and other countries, we are disturbed with reference to our relations. Why is this true? In my judgment it is because we have had no battleships on the Great Lakes, we have had no incitement for war or trouble between these countries. A simple agreement has not only saved this country hundreds of millions of money, and a like sum no doubt to Great Britain, but it has warded off, in my judgment, a war between the two countries. It therefore seems to me that the time is most propitious for action. We are soon to celebrate the one hundredth year of peace with Great Britain, and it is time for this country to take the initiative on a proposition which means so much.

Talk about war with Germany! We have something like 20,000,000 citizens in this country who have German blood coursing in their veins, and they constitute one of the chief assets of this great country of ours. They dot the hillsides and valleys of Missouri, as well as the hillsides and valleys all over the land. They have blazed the way and made sections of our country blossom like the rose. They left their country to escape military burdens. They came here and cast their lot with us in this land of which we boast as being the asylum of the oppressed. Now, will we follow in the wake of those great nations and pile burdens upon them which they had hoped they would escape by coming here? I say never; never. There is no occasion for it. In all our history we have never had a serious quarrel with Germany, much less war. Germany does not desire to maim and kill our people; most emphatically we do not desire to maim and kill her people.

I appeal to the executive officers of this Government to use the same persistency and the same earnestness in putting forward this proposition that Jefferson's administration employed nearly 100 years ago. I appeal to the press of the country, the avenues of information, to help us in this campaign of education. I appeal to the clergy—the men who thunder forth from the pulpits the doctrine of "peace on earth and good will toward men"—to be as courageous as our worthy Chaplain showed himself to be when, a few mornings since, he offered a prayer that should be quoted from every pulpit in this land. Although he stands enveloped in darkness, having sacrificed that God-given faculty on the altar of his country, there radiates from him a spirit of Christian manhood which not only reaches every Member of this House but extends throughout the whole country. In this connection I desire to print in full the prayer above mentioned, offered by Rev. Henry N. Couden, D. D., the day following the introduction of my resolution:

We bless Thee, Almighty God our heavenly Father, for every thought, every suggestion, every movement looking to a world-wide disarmament, since it is a reflection on the intelligence and religious life of any people to teach the arts of war on land or sea, for we realize in our better moments how infinitely wiser it is to conserve the brain and brawn of armies and navies for the peaceful pursuits of life. And we most earnestly pray that our Republic, with its intelligence, high ideals, and incomparable genius, may set its face heavenward and be the vanguard in every movement for the "peace and good will toward men" which all right-thinking men the world around pray for, hope for, long for. And unto Thee, O God, the Father of all mankind, be glory and honor and praise forever. Amen.

It is indeed a reflection on the intelligence and religious life of any people to teach the arts of war on land or sea. Nations no more than individuals should continue in wrongdoing. The Good Book says:

They shall beat their swords into plowshares, and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they learn war any more.

There is a vast difference, Mr. Speaker, between those who for selfish reasons shape their sails to catch the faintest breeze that will drive them toward some haven of self-interest and the individual who with Christian fortitude starts out across the high seas and, even at a sacrifice, seeks to serve his people and promote his country's welfare—the one a licentious leader who unfurls the flag of corruption and marshals the



interests upon the fields of degradation and at the right time for his purposes plunges his country into the vortex of utter ruin, while the latter unfurls the white flag of purity and sincerity, marshals under his banner men of patriotism and love for country, always pressing onward and upward to that glorious day which will usher in "the golden era of the brotherhood of man and the fatherhood of God." Let us by unanimous vote and as speedily as possible pass this resolution. Gentlemen, I thank you one and all. [Applause.]

#### RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,

*Speaker House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on Accounts and Election of President, Vice President, and Representatives in Congress, and trust that the same will be promptly accepted.

Respectfully, yours,

M. F. CONRY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 7384. An act to authorize the payment of an indemnity to the Italian Government for the killing of Angelo Albano, an Italian subject; and

H. J. Res. 139. A joint resolution to relieve destitution among the native people and residents of Alaska.

#### DISCOUNT ON CUSTOMS DUES.

Mr. MANN. Mr. Speaker, I rise to a privileged motion. I move to discharge the Committee on Ways and Means from further consideration of House resolution 297, in order that I may bring the matter before the House.

The SPEAKER. The gentleman from Illinois moves to discharge the Committee on Ways and Means from further consideration of House resolution 297.

Mr. GEORGE. Mr. Speaker, may I ask what the resolution is?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the House of Representatives copy of any regulation, order, or instruction issued to any customs official concerning the enforcement or nonenforcement of subsection 7 of paragraph J of section 4 of the Underwood tariff law, reading as follows:

"That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States: *Provided*, That nothing in this subsection shall be so construed as to abrogate or in any manner impair or affect the provisions of any treaty concluded between the United States and any foreign nation."

#### ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 56, nays 23, answered "present" 14, not voting 336, as follows:

#### YEAS—56.

|              |              |             |
|--------------|--------------|-------------|
| Abercrombie  | Flood, Va.   | Kirkpatrick |
| Aswell       | Floyd, Ark.  | Lazaro      |
| Baker        | Fowler       | Lee, Pa.    |
| Baltz        | George       | Leshner     |
| Bowdle       | Glass        | Lloyd       |
| Brockson     | Hamlin       | Lobeck      |
| Brodbeck     | Hammond      | McDermott   |
| Byrns, Tenn. | Hay          | McKellar    |
| Casey        | Hedlin       | Mitchell    |
| Dent         | Henry        | Moon        |
| Donohoe      | Hensley      | Oldfield    |
| Eagle        | Hull         | O'Leary     |
| Evans        | Igoe         | Page        |
| Fergusson    | Johnson, Ky. | Quinn       |

#### NAYS—23.

|              |                |             |
|--------------|----------------|-------------|
| Anderson     | Donovan        | La Follette |
| Anstett      | Frear          | MacDonald   |
| Bell, Cal.   | Gillett        | Manahan     |
| Browne, Wis. | Hawley         | Nelson      |
| Curry        | Johnson, Wash. | Patton, Pa. |
| Davis        | Kahn           | Plumley     |

#### ANSWERED "PRESENT"—14.

|           |               |                |
|-----------|---------------|----------------|
| Bartholdt | Holland       | Reilly, Conn.  |
| Booher    | Kennedy, Iowa | Smith, Minn.   |
| Cary      | Mann          | Stanley        |
| French    | Reed          | Stevens, Minn. |

|              |
|--------------|
| Rouse        |
| Russell      |
| Shackelford  |
| Sims         |
| Smith, Md.   |
| Smith, N. Y. |
| Stone        |
| Stout        |
| Taggart      |
| Tavener      |
| Taylor, Ark. |
| Ten Eyck     |
| Watkins      |
| Webb         |

|              |
|--------------|
| Powers       |
| Sinnott      |
| Smith, Idaho |
| Sutherland   |
| Towner       |

|          |
|----------|
| Volstead |
| Watson   |

#### NOT VOTING—336.

|                 |                  |                 |                 |
|-----------------|------------------|-----------------|-----------------|
| Adair           | Doolittle        | Keating         | Pou             |
| Adamson         | Doremus          | Kelley          | Prouty          |
| Aiken           | Doughton         | Kelley, Mich.   | Ragsdale        |
| Ainey           | Driscoll         | Kelly, Pa.      | Ralney          |
| Alexander       | Dunn             | Kennedy, Conn.  | Raker           |
| Allen           | Dupré            | Kennedy, R. I.  | Rauch           |
| Ansherry        | Dyer             | Kent            | Rayburn         |
| Anthony         | Eagan            | Kettner         | Reilly, Wis.    |
| Ashbrook        | Edmonds          | Key, Ohio       | Richardson      |
| Avis            | Edwards          | Kiess, Pa.      | Riordan         |
| Bailey          | Elder            | Kindel          | Roberts, Mass.  |
| Barchfeld       | Esch             | Kinkaid, Nebr.  | Roberts, Nev.   |
| Barkley         | Estopinal        | Kinkead, N. J.  | Rogers          |
| Barnhart        | Fairchild        | Kitchin         | Rothermel       |
| Bartlett        | Faison           | Knowland, J. R. | Rubey           |
| Barton          | Falconer         | Konop           | Rucker          |
| Bathrick        | Farr             | Korby           | Rupley          |
| Beakes          | Ferris           | Kreider         | Sabath          |
| Beall, Tex.     | Fess             | Laferty         | Saunders        |
| Bell, Ga.       | Fields           | Langham         | Scott           |
| Blackmon        | Finley           | Langley         | Scully          |
| Borchers        | Fitzgerald       | Lee, Ga.        | Seldomridge     |
| Borland         | FitzHenry        | L'Engle         | Sells           |
| Bremner         | Fordney          | Lenroot         | Sharp           |
| Britten         | Foster           | Lever           | Sherley         |
| Broussard       | Francis          | Levy            | Sherwood        |
| Brown, N. Y.    | Gallagher        | Lewis, Md.      | Shreve          |
| Brown, W. Va.   | Gard             | Lewis, Pa.      | Sisson          |
| Browning        | Gardner          | Lieb            | Slayden         |
| Bruckner        | Garner           | Lindbergh       | Slemp           |
| Brumbaugh       | Garrett, Tenn.   | Lindquist       | Sloan           |
| Bryan           | Garrett, Tex.    | Linthicum       | Small           |
| Buchanan, Ill.  | Gerry            | Logue           | Smith, J. M. C. |
| Buchanan, Tex.  | Gilmore          | Lonergan        | Smith, Saml. W. |
| Bulkley         | Gittins          | McAndrews       | Smith, Tex.     |
| Burgess         | Godwin, N. C.    | McClellan       | Sparkman        |
| Burke, Pa.      | Goeke            | McCoy           | Stafford        |
| Burke, S. Dak.  | Goldfogle        | McGillcuddy     | Stedman         |
| Burke, Wis.     | Good             | McGuire, Okla.  | Steenerson      |
| Burnett         | Goodwin, Ark.    | McKenzie        | Stephens, Cal.  |
| Butler          | Gordon           | McLaughlin      | Stephens, Miss. |
| Byrnes, S. C.   | Gorman           | Madden          | Stephens, Nebr. |
| Calder          | Goulden          | Maguire, Nebr.  | Stephens, Tex.  |
| Callaway        | Graham, Ill.     | Mahan           | Stevens, N. H.  |
| Campbell        | Graham, Pa.      | Maher           | Strinzer        |
| Candler, Miss.  | Gray             | Mapes           | Summers         |
| Cantrill        | Green, Iowa      | Martin          | Switzer         |
| Caraway         | Greene, Mass.    | Merritt         | Talbott, Md.    |
| Carew           | Greene, Vt.      | Metz            | Talcott, N. Y.  |
| Carlin          | Grieg            | Miller          | Taylor, Ala.    |
| Carr            | Griest           | Mondell         | Taylor, Colo.   |
| Carter          | Griffin          | Montague        | Taylor, N. Y.   |
| Chandler, N. Y. | Gudger           | Moore           | Temple          |
| Church          | Guernsey         | Morgan, La.     | Thacher         |
| Clancy          | Hamill           | Morgan, Okla.   | Thomas          |
| Clark, Fla.     | Hamilton, Mich.  | Morin           | Thompson, Okla. |
| Claypool        | Hamilton, N. Y.  | Morrison        | Thompson, Ill.  |
| Clayton         | Hardwick         | Moss, Ind.      | Townsend        |
| Cline           | Hardy            | Moss, W. Va.    | Treadway        |
| Collier         | Harrison         | Mott            | Tribble         |
| Connelly, Kans. | Hart             | Murdock         | Tuttle          |
| Connelly, Iowa  | Haugen           | Murray, Mass.   | Underhill       |
| Conry           | Hayden           | Murray, Okla.   | Underwood       |
| Cooper          | Hayes            | Neeley, Kans.   | Vare            |
| Copley          | Helgesen         | Neeley, W. Va.  | Vaughan         |
| Covington       | Helm             | Nolan, J. I.    | Walker          |
| Cramton         | Helvering        | Norton          | Wallin          |
| Crisp           | Hill             | O'Brien         | Walsh           |
| Crosser         | Hinebaugh        | Oglesby         | Walters         |
| Cullop          | Hobson           | O'Hair          | Weaver          |
| Curley          | Houston          | O'Shaunessy     | Whaley          |
| Dale            | Howard           | Padgett         | Whitacre        |
| Danforth        | Howell           | Palmer          | White           |
| Davenport       | Hoxworth         | Parker          | Williams        |
| Decker          | Hughes, Ga.      | Patten, N. Y.   | Willis          |
| Deitrick        | Hughes, W. Va.   | Payne           | Wilson, Fla.    |
| Desham          | Hulings          | Pepper          | Wilson, N. Y.   |
| Dickinson       | Humphrey, Wash.  | Peters, Mass.   | Wingo           |
| Dies            | Humphreys, Miss. | Peters, Me.     | Winslow         |
| Difenderfer     | Jacoway          | Peterson        | Witherspoon     |
| Dillon          | Johnson, S. C.   | Phelan          | Woodruff        |
| Dixon           | Johnson, Utah    | Platt           | Woods           |
| Dooling         | Jones            | Porter          | Young, N. Dak.  |
|                 |                  | Post            | Young, Tex.     |

So the motion to adjourn was agreed to.

The following pairs were announced:

For the session:

Mr. SLAYDEN with Mr. BARTHOLOTT.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. BARTLETT with Mr. BUTLER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. ALLEN with Mr. J. M. C. SMITH (commencing Oct. 2).

Mr. BARKLEY with Mr. FALCONER (commencing Oct. 24).

Mr. BARNHART with Mr. MAPES.

Mr. BELL of Georgia with Mr. DANFORTH.

Mr. BLACKMON with Mr. BARCHFELD.

Mr. BURNETT with Mr. HAYES.

Mr. BROUSSARD with Mr. KELLEY of Michigan.

Mr. BULKLEY with Mr. DILLON.

Mr. BURKE of Wisconsin with Mr. CARY.

Mr. BRUMBAUGH with Mr. LINDQUIST (until Nov. 25).

Mr. CANDLER of Mississippi with Mr. J. R. KNOWLAND.  
 Mr. CLAYTON with Mr. MONDELL.  
 Mr. CLAYPOOL with Mr. BRYAN.  
 Mr. CLARK of Florida with Mr. WOODRUFF.  
 Mr. CANTRILL with Mr. HELGESEN.  
 Mr. CARAWAY with Mr. KENNEDY of Rhode Island.  
 Mr. CHURCH with Mr. HULINGS.  
 Mr. CRISP with Mr. HINDS (transferable).  
 Mr. CLANCY with Mr. HAMILTON of New York.  
 Mr. COVINGTON with Mr. MILLER.  
 Mr. CARTER with Mr. MCGUIRE of Oklahoma.  
 Mr. CLINE with Mr. NORTON (commencing Oct. 1).  
 Mr. CONNELLY of Kansas with Mr. HAMILTON of Michigan.  
 Mr. COX with Mr. MURDOCK.  
 Mr. CURLEY with Mr. SHREVE.  
 Mr. DEITRICK with Mr. YOUNG of North Dakota.  
 Mr. DIES with Mr. SWITZER.  
 Mr. DOUGHTON with Mr. MOTT.  
 Mr. DUPRE with Mr. ANTHONY.  
 Mr. ELDER with Mr. STEENERTON.  
 Mr. FAISON with Mr. MORIN.  
 Mr. FRANCIS with Mr. HUGHES of West Virginia.  
 Mr. FITZGERALD with Mr. CALDER.  
 Mr. FERRIS with Mr. SELLS.  
 Mr. FIELDS with Mr. LANGLEY.  
 Mr. FOSTER with Mr. GREENE of Vermont (commencing Oct. 27).  
 Mr. FINLEY with Mr. GREEN of Iowa.  
 Mr. GILMORE with Mr. MCKENZIE.  
 Mr. GOEKE with Mr. LEWIS of Pennsylvania.  
 Mr. GOLDFOGLE with Mr. KREIDER.  
 Mr. GOODWIN of Arkansas with Mr. PORTER.  
 Mr. GARNER with Mr. J. I. NOLAN.  
 Mr. GORDON with Mr. THOMSON of Illinois.  
 Mr. GARRETT of Tennessee with Mr. LANGHAM.  
 Mr. GUDGER with Mr. MOORE.  
 Mr. HAYDEN with Mr. LAFFERTY.  
 Mr. HARRISON with Mr. GRAHAM of Pennsylvania.  
 Mr. HOWARD with Mr. GRIEST.  
 Mr. HOLLAND with Mr. VOLSTEAD (commencing Oct. 3).  
 Mr. HARDWICK with Mr. FORDNEY (commencing Oct. 1).  
 Mr. HOUSTON with Mr. WILLIS.  
 Mr. HUGHES of Georgia with Mr. AVIS.  
 Mr. HUMPHREYS of Mississippi with Mr. KIESS of Pennsylvania.  
 Mr. JACOWAY with Mr. FRENCH.  
 Mr. JOHNSON of South Carolina with Mr. RUPLEY.  
 Mr. JONES with Mr. HINEBAUGH.  
 Mr. KITCHIN with Mr. PAYNE.  
 Mr. KEY of Ohio with Mr. FARE.  
 Mr. KETTNER with Mr. SCOTT.  
 Mr. LEE of Georgia with Mr. KEISTER.  
 Mr. LONEGAN with Mr. ROGERS.  
 Mr. MCGILLICUDDY with Mr. GUERNSEY.  
 Mr. MONTAGUE with Mr. VARE.  
 Mr. MORRISON with Mr. HUMPHREY of Washington.  
 Mr. MURRAY of Massachusetts with Mr. PROUTY.  
 Mr. PALMER with Mr. MOSS of West Virginia.  
 Mr. PEPPER with Mr. KENNEDY of Iowa.  
 Mr. PETERSON with Mr. PLATT (commencing Oct. 13).  
 Mr. PHELAN with Mr. SMITH of Minnesota (Oct. 24 to Nov. 15).  
 Mr. POST with Mr. COPLEY.  
 Mr. RAINEY with Mr. MADDEN.  
 Mr. RAKER with Mr. DUNN.  
 Mr. REILLY of Connecticut with Mr. DYER.  
 Mr. ROTHERMEL with Mr. ROBERTS of Massachusetts.  
 Mr. RUCKER with Mr. HAUGEN.  
 Mr. RICHARDSON with Mr. MARTIN.  
 Mr. RUBEN with Mr. TREADWAY.  
 Mr. SHERWOOD with Mr. SAMUEL W. SMITH.  
 Mr. SHERLEY with Mr. COOPER (Oct. 23 to Nov. 15).  
 Mr. SISSON with Mr. CAMPBELL.  
 Mr. SMALL with Mr. FESS.  
 Mr. SPARKMAN with Mr. HOWELL.  
 Mr. SUMNERS with Mr. ESCH.  
 Mr. SAUNDERS with Mr. AINEY.  
 Mr. SMITH of Texas with Mr. McLAUGHLIN.  
 Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.  
 Mr. STEPHENS of Nebraska with Mr. SLOAN.  
 Mr. TALBOTT of Maryland with Mr. MERRITT.  
 Mr. TAYLOR of Alabama with Mr. PETERS of Maine.  
 Mr. THOMPSON of Oklahoma with Mr. BARTON.  
 Mr. TOWNSEND with Mr. TEMPLE.  
 Mr. UNDERHILL with Mr. WALTERS.  
 Mr. WATSON with Mr. CRAMTON.  
 Mr. WILLIAMS with Mr. BRITTEN.

Mr. YOUNG of Texas with Mr. ROBERTS of Nevada.  
 Mr. WILSON of Florida with Mr. GOOD (commencing Oct. 1).  
 Mr. WINGO with Mr. PARKER.

Mr. WEAVER with Mr. BURKE of Pennsylvania.  
 Mr. BOOHER with Mr. SLEMP (for the rest of special session, except when two-thirds vote required; on party questions, record to show one party for and one against measure).

Mr. DICKINSON with Mr. KINKAID of Nebraska (after vote on currency, except at option of either).

Mr. REED with Mr. WINSLOW (commencing Oct. 1, for remainder of extra session).

Mr. WITHERSPOON with Mr. STEPHENS of California (commencing Oct. 3, except on cotton-futures amendment).

Mr. THACHER with Mr. GREENE of Massachusetts (commencing Oct. 16, and for balance of session).

Mr. MANN. Mr. Speaker, I voted "no." I am paired with the gentleman from Alabama [Mr. UNDERWOOD]. I desire to withdraw my vote and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

Mr. SMITH of Minnesota. Mr. Speaker, I voted "no." I am paired with Mr. PHELAN, of Massachusetts. I wish to withdraw my vote and answer "present."

The name of Mr. SMITH of Minnesota was called, and he answered "Present."

The result of the vote was announced as above recorded.

Accordingly (at 1 o'clock and 38 minutes p. m.) the House adjourned to meet to-morrow, Friday, November 14, 1913, at 12 o'clock noon.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5341) granting an increase of pension to Charles W. Willis, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOGUE: A bill (H. R. 9277) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way over Government land; to the Committee on the Public Lands.

By Mr. HOBSON: Joint resolution (H. J. Res. 150) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TAVENNER: Resolution (H. Res. 306) directing the Secretary of the Navy to investigate the advantages of the Rock Island Arsenal military tract as a possible site for the proposed Government armor-plate factory; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Resolution (H. Res. 307) authorizing payment out of the contingent fund of one month's compensation to the clerk of the late Representative George H. Utter; to the Committee on Accounts.

By Mr. LINDBERGH: Resolution (H. Res. 308) compelling Members of the House to file a statement with the Clerk showing the nature of any and all kinds of business they may have interests in, together with pecuniary interests of their families, etc.; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 9278) granting an increase of pension to Isaac H. Orndorff; to the Committee on Invalid Pensions.

By Mr. DONOHUE: A bill (H. R. 9279) for the relief of Daniel Graeber; to the Committee on Military Affairs.

Also, a bill (H. R. 9280) granting an increase of pension to Michael I. Gillin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9281) granting an increase of pension to Abraham S. Foster; to the Committee on Invalid Pensions.

By Mr. FERGUSON: A bill (H. R. 9282) granting an increase of pension to Arthur L. Douglass; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 9283) granting an increase of pension to William L. Cook, alias James Leslie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9284) for the reimbursement of Horace M. Blunt, for the loss of a horse while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. GOEKE: A bill (H. R. 9285) granting an increase of pension to August Duvall; to the Committee on Invalid Pensions.



By Mr. PATTON of Pennsylvania: A bill (H. R. 9286) granting an increase of pension to Abraham Egler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9287) granting an increase of pension to Mary A. Andrews; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 9288) for the relief of Albert H. Campbell; to the Committee on Military Affairs.

Also, a bill (H. R. 9289) granting an increase of pension to George Stevens; to the Committee on Pensions.

Also, a bill (H. R. 9290) to place the name of Capt. William H. Ward on the unlimited retired list of the Regular Army of the United States, with rank and pay as a retired officer of the regular establishment; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Lincoln and Montgomery Counties, Mo., asking for a pension for Mrs. Kate L. Clare, widow of the late William D. Clare, an ex-soldier; to the Committee on Pensions.

Also (by request), petition of the Belknap Hardware & Manufacturing Co., of Louisville, Ky., favoring change in the parcel-post law relative to shipment of books; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the National Woman's Christian Temperance Union, protesting against placing in the CONGRESSIONAL RECORD the funeral oration over the remains of the late Adolphus Busch, a brewer of St. Louis, Mo.; to the Committee on Printing.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Produce Exchange, of Philadelphia, Pa., favoring legislation by Congress for protection of the lower Mississippi River; to the Committee on Rivers and Harbors.

By Mr. LAFFERTY: Memorial of the Columbia & Snake River Waterways Association, favoring canalization of Columbia River; to the Committee on Rivers and Harbors.

Also, petition of the Pendleton Commercial Association, favoring legislation for flood protection of the lower Mississippi River; to the Committee on Rivers and Harbors.

### HOUSE OF REPRESENTATIVES.

FRIDAY, November 14, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would approach Thee, Almighty God, our Heavenly Father, in the spirit of the Master, that our spiritual vision may be enlarged, that our faith may grow stronger, that our hopes may burn brighter, that our thoughts and deeds may spring from pure and holy motives, that the perfection of our character may more and more obtain until we all come unto the measure of the stature of the fullness of Christ. Amen.

The Journal of the proceedings of yesterday was read.

Mr. MANN. Mr. Speaker, I thought that the Clerk read that "Mr. MANN presented a privileged report."

The SPEAKER. It should have been a resolution, and the correction will be made.

The Journal as corrected was approved.

The SPEAKER. By a special order of the House made yesterday the gentleman from Delaware [Mr. BROCKSON] has one hour in which to address the House on the subject of cruel and unusual punishment in the State of Delaware. He is recognized for an hour. He does not seem to be here.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3397. An act to amend section 2324 of the Revised Statutes of the United States relating to mining claims.

#### MINING CLAIMS ON SEWARD PENINSULA, ALASKA.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to make this statement at this time: The Senate yesterday passed the bill (S. 3397) for the relief of miners in the Seward Peninsula, in Alaska, and the bill will soon reach the Speaker's table. The emergency is urgent in the extreme. The bill provides for relieving the miners in that peninsula of their assessment work for this year, which has to be done before December 31. Many of the miners in the Seward Peninsula have nothing with which to do the work. In that country the

assessment work is done in the wintertime with the use of sleds. Even if this relief measure passes, there is now no way of notifying these miners except by cablegram to Nome, Alaska.

I desire to give notice that as soon as the bill reaches the Speaker's table I shall ask to have it taken up and considered and disposed of by unanimous consent. I desire to state further that a full statement is contained in the record of the Senate proceedings of yesterday, showing the necessity of the passage of this bill and the need of unanimous action on the part of the House.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] gives notice that when the bill comes from the Senate relating to the matter he refers to, he will ask unanimous consent to call it up. The gentleman from Delaware [Mr. BROCKSON] is recognized for one hour.

#### CORPORAL PUNISHMENT IN THE STATE OF DELAWARE.

Mr. BROCKSON. Mr. Speaker, on Tuesday last Mr. EVANS, of Montana, asked unanimous consent for the present consideration of a resolution which was sent to the Clerk's desk and read. The resolution was as follows:

##### House resolution.

Whereas it appears from dispatches published in the public prints that six prisoners—two white men and four negroes—all convicted of robbery, were whipped on their bare backs, with a total of 95 lashes, at the Newcastle County workhouse, in the State of Delaware, on November 8, 1913; and

Whereas it further appears that two of said prisoners, James Bayard and William Reason, negroes, each received 20 lashes for burglary; and

Whereas it further appears that on Saturday next, November 15, these two men will each receive a similar number of lashes on the bare back, and in addition Bayard is sentenced to serve 14 years in prison and Reason 11 years; and

Whereas it further appears that the court divided the administration of the lashes for fear the victims could not stand the penalty all at once; and

Whereas the eighth amendment to the Constitution of the United States of America provides that "cruel and unusual punishments shall not be inflicted"; and

Whereas it is manifest from the fact that the court divided the imposition of the number of lashes for fear of causing the death of the victims that such punishment is cruel; and

Whereas such method of punishment is a relic of medieval barbarism and is not generally practiced in civilized countries and is therefore unusual: Therefore be it

Resolved, That the President of the United States and the Attorney General of the United States are hereby authorized and directed to cause to be brought in the Federal courts an injunction proceeding against the State of Delaware, or the officials and employees of such State who may be responsible for the condition of affairs above set forth, or that the President and Attorney General take such other action as in their judgment may be proper to enforce the provisions of the Federal Constitution and prevent the infliction of this cruel and unusual punishment upon these prisoners on Saturday next, November 15, and to prevent the practice of such cruelties hereafter in said State of Delaware or elsewhere in the United States of America.

The House adjourned without action on that resolution. The resolution is so manifestly improper that it is quite certain the House will not adopt it and will probably never consider it.

If the United States courts had jurisdiction in the cases mentioned in the resolution and injunction proceedings were needed, it would not be necessary for Congress to direct the President or the Attorney General to perform their duties in the matter. Nothing more than sending sufficient information to the Attorney General would be required. But the United States courts do not have jurisdiction in these cases, as I will show later.

I desire first to comment upon the statements made in the preamble of this resolution.

The statement in the first three clauses are partially correct. I deny all the other statements contained in the preamble. The statement that "the court divided the imposition of the number of lashes for fear of causing the death of the victims" is absolutely false, and has been made without facts to support the statement.

No man's life is ever endangered by the infliction of corporal punishment in Delaware. In the cases of James Bayard and William Reason the court divided the sentences as to the lashes to make the punishment lighter because the defendants are young.

These two men were convicted jointly for breaking and entering the dwelling house of Mr. Reybold in the nighttime with the intent to commit a felony, and for breaking and entering another building, not a dwelling, during the same night. Bayard was also convicted of committing an assault during the same night.

While those two felons were in Mr. Reybold's house that night Bayard went to the bed in which Miss Reybold was asleep and had his hand upon her stomach when she was awakened by him. She ran from the room frightened almost into hysterics and aroused her brother, who rushed to her rescue.

Bayard struck Mr. Reybold with a brick, cutting a gash over his forehead, and escaped from the house.